

**Commissioners of Leonardtown**  
**Town Council Meeting Minutes**  
**April 10, 2006 ~ 4:00 P. M.**

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

Also in attendance were: Laschelle Miller, Town Administrator; Colleen Bonnel, Planning Director; Rebecca Sothoron, Town Treasurer; Teri Dimsey, Recording Secretary; Mark Lindgren, Boy Scout, Tom Lindgren, Father of Scout; Dave Schwartzenburg, 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 March 13, 2006 Town Council meeting were presented for approval.

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

**Treasurer's Report – Rebecca Sothoron**

During the month a transfer of \$120,000 was made to the checking account to cover expenses. We are presently 75% through the budget year. Please refer to the Income Statement as a point of reference for the Budget Amendments.

The vendor in charge of the property tax program prepared the half-year tax bills for the first time. They are normally typed by hand. As there were thirty-one accounts this year, we made arrangements for the vendor to process the data as he did for the full year tax bills. On the agenda is the Waste Management (WM) contract but complete information is pending, an update will be provided instead. We met with new WM representatives for the purpose of extending the contract and for them to provide per unit prices. This was also an opportunity to explain some concerns we had in service. They were unable to provide all the information at that time but did provide per unit price for residents, but not a per unit price for commercial. This information was promised by Friday but we have not yet received and will not receive until next week. This will be an agenda item for May to renew the contract if the terms are agreeable.

The discussion focused on service and one of our biggest concerns was that toter deliveries were not being fulfilled timely and customers were having trash missed. After our meeting, unbeknownst to us, the supply of toters was replenished and without communication to us WM proceeded to deliver a toter to

everyone who did not have a toter. After receiving numerous calls, we stopped them part way. This was not the arrangement we made with them; we have customers who do not want toters. They came back and picked up the toters. Per our meeting, we are now directing all customer complaints to an 800 number so that WM can track complaints. We will publish and provide that number to our customers and hopefully service will improve.

Councilmember Mattingly inquired if there were other alternatives?

Ms. Sothoron responded that there are other companies that provide similar service but that we would have to ensure a five-year term because they would have to buy so many containers to service this area to be guaranteed a return on their investment.

Ms. Sothoron informed the Council that the per unit price for customers outside of Town is over \$100 a quarter, ours is \$47.00 a quarter. The one increase WM requested is to cover the tipping fee. Not sure how that will prove out on the commercial as this is information we are still waiting to receive.

Ms. Sothoron remarked that she would like to the Council to approve minimum charges necessary for water and sewer services. We have requests from customers to suspend billing for their service. These customers cannot turn their water off, but they ask us to suspend billing because they are out of town for an extended length of time due to military duty, vacation home, or renovating. A minimum charge would help cover the debt service for the sewer/water that we are saving for them when they come back. I have not been able to get those numbers but wanted to give you an update for future approval.

#### **Police Report – Deputy Gray Maloy**

In March, I handled 45 events, issued 13 citations, 3 warnings and made one arrest on a bench warrant. On March 5, a burglary occurred at Four Star. Criminal Investigations is investigating and BurchMart's automatic vending machine was broken into. This case has been solved and involved other BurchMart's, the same people were doing this all throughout Southern Maryland. On St. Patrick's Day, Detective Clark, with the Sheriff's office, assisted the FBI in arresting an individual who was served with a federal indictment for child pornography. Patrol Division conducted 49 evening and nighttime business checks during March and issued 39 citations and handled four arrests. Upcoming events: Hospice Walk, Earth Day, Car Show and Easter Egg Roll.

Mayor Norris asked how many people participated in the hospice event?

Councilmember Roberts responded they had 1,400 Internet registrations and quite a few on-site sign ups.

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

Summary of the March 20, 2006 Planning and Zoning meeting.

**Case #48-04, Proffitt Building** (previously Loker II) located at 41660 Courthouse Drive was granted condominium plat approval.

**Case #18-06, 22545 Washington Street**, the builder Mr. Males for Susan and Warren Hun. The Planning and Zoning Commission sent a favorable recommendation to the Board of Appeals for a front and side setback variance request. The project is planned to demolish the single story house and a new two story Victorian house proposed. This is on the agenda for the Board of Appeals meeting in May.

**Case #133-05, Auto Zone** is pursuing a new building at Shops of Breton Bay. The Concept Plan C was approved.

**Case 154-05, St. Mary's Hospital** was approved for a revised road circulation system, which they redesigned for the front entrance to the hospital.

Agenda for next Monday, April 17:

**Case #64-04, Leonard's Grant** coming in for Phase I, Concept approval, more detailed layout of the individual lots, more housing designs, bringing the Planning Commission up to date on State Highway review, DNR, MDE review and DPW started SWM reviews as well.

**Case #91-03, Foxwell Apartments** final updates, final site plan approval and final architectural building design approval requests.

**Case #127-05, 41982 Loker Court**, P.F. Summer in Academy Hills requesting an after the fact variance request for a rear year side set back for a deck.

**Case #132-05 request for the PIRD** by Mr. Mummaugh and Mr. Guy for Lawrence Avenue and Pope Street for final site plan design as well as five-lot subdivision for the two duplex houses and the existing apartment building.

Also we are preparing for the **Board of Appeals meeting**, they will be meeting next on May 9 at 5:00 p.m.; the two cases the board will be hearing is **Case #18-06, Washington Street** front and side variance request and **Case #127-05, PF Summers** rear deck variance request.

Included in your packets is the project update sheet. The main developments are:

Dr. Patel's building is now over 70% complete. The old CVS building/Linda's Café, anticipates opening the week after Easter. The Drury Building was issued a building use and occupancy on March 15 and the Proffitt Building was issued a building U&O on March 29. The Singletree office building located at the corner of Miss Bessie and Drs. Crossing just received the SWM approval from St. Mary's County and DPW for the project to utilize the County's SWM pond, we will be processing that building permit.

Also included in your packets is the Monthly In-House Permits report.

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

**Mayor Norris opened the Public Hearing at 4:15 p.m. concerning the fiscal year 2007 Budget and Real Property Tax Rate.**

Mayor Norris noted that six weeks ago he presented a budget to the Council and two workshops were conducted with the council members. The budget presented today has been modified per those meetings. Mayor Norris turned the meeting over to Ms. Sothoron to go over the main points of the budget.

Ms. Sothoron explained that, for the record, we were required to advertise this Public Hearing, which was done in accordance with the Charter. We have not received any written comments on the budget. Copies were made available for pick up by the public, and no one picked up a copy. This budget does maintain the current tax rate of .15 cents per \$100 of assessment. Because the Town is not exceeding the Constant Yield Tax Rate, the Town is exempt this year from advertising.

Mayor Norris pointed out that the Town of Leonardtown, with our taxes and the County taxes combined have the lowest tax rate in the State except for five towns

This budget does recommend a quarterly water charge for residential customers of \$52.32 and a sewer charge of \$78.05 for water. The trash rate is yet to be determined.

Mayor Norris stated that this is a Public Hearing and asked if any council members or anyone in the audience has any questions or concerns?

**There being no questions or comments, Mayor Norris entertained a motion to close the Public Hearing. Councilmember Mattingly moved to close the Public Hearing, Councilmember Faunce seconded, motion passed unanimously.**

**Mayor Norris entertained a motion to approve Ordinance #124 which was introduced at last month's meeting. Councilmember Roberts moved to approved Ordinance #124, Councilmember Mattingly seconded, motion passed unanimously.**

Ms. Sothoron returned to her prior agenda items regarding the Budget Amendments. She remarked that normally she would present each budget item individually but it seemed redundant in this case and she combined all General Fund Amendments on the first Budget Amendment and all the Enterprise Fund Budget Amendments on the second Budget Amendment. Taking each line item individually beginning with the first Budget Amendment this is to increase appropriations for various General Fund expense accounts.

General Government Salaries: Mid-point of the year we added a staff member; the account needs to be increased to cover those expenses for the associated payroll taxes and benefits.

Legal Counsel: Requesting an additional \$2,500.00, based on what we have spent so far, it is anticipated we will need additional money.

Professional Services: Increase of \$7,500 due to several different items. When the Town Secretary left in October the position was filled with a temporary and instead of charging that to the Salary Account, it was charged to Professional Services. This allows for tracking the benefits associated with salaries. (Did not want to increase the salary budget by a contracting service; we paid \$4,800.00 to a temporary agency.) The software utilized for accounting, which includes budget, payroll, and general ledger, changed their maintenance package and requires all their customers to use the highest support level. This was an additional \$1,600 that was not budgeted. Also anticipate the invoice from the property tax vendor for the services provided to the half-year tax bills. These are the three main items that need to be added to that account.

Public Relations and Promotions: Community Development Department, \$1,175 should have been incorporated into the 2006 budget; it represents the amount of revenue that we projected for Earth Day. The revenue was budgeted but it did not go to the expense side, need to budget the corresponding expense. Beach Party received a \$1,000 in grant money that was budgeted on the revenue side but was not budgeted on the expense side.

Planning and Zoning Department for Consultants: Services provided by Redman Associates and Crozier Associates. These services were not budgeted before the fiscal year, anticipate that that will be around \$21,000.

Public Safety and Law Enforcement Account: Although we are provided with budget estimates by the Sheriff's office at the beginning of the fiscal year because of change in staff it resulted in a change in expenses, we need to increase that account.

Public Works Department: For storm drains and sidewalk repairs. During the budget workshops we discussed how Mark Grant has been able to take care of projects that really needed attention project that we will need another \$17,000 in that account. There are still some outstanding sidewalk repairs.

These are funded in various ways. Because our Real Estate Tax Revenue is a known number, there is an additional \$20,000 that can help offset these increases and expenses. Public Utilities tax came in \$4,900 higher than budgeted. Income Tax: Adding another \$40,000, it was budgeted at \$210,000, this takes it to \$250,000, and last year's actual was \$264,000.

These increases and revenues did not offset the increases in expenses so below the line are expense items that are needed to make up the difference. Recreations and Parks Department: Budgeted \$10,000

for Consultants and am proposing taking out \$7,500, an argument could be made for part of the waterfront plan coming out of the Recreations and Parks Department so there is some money there in case something comes up. Short \$1,025 and that will come out of other operating expenses. This still leaves quite a significant sum in that department.

Budget Amendment Number 2 is for the Enterprise Fund. I have mentioned more than once how the utilities at the treatment plant are much higher than anticipated. Staff at the plant has tried various different ways to try and get that under control. Recently, they installed a timer on some of the equipment and we have seen a change in the electric bill. There are only three months left in the quarter so I anticipate we will be \$20,000 short in that expense account.

Sludge Management: We are increasing this account by the very same amount that was left over from 2005 when no sludge was taken out of the plant and the arrangement was we would bring that money forward to fund the double loads that we took out in 2006.

Collection System Line Maintenance. Significant issues in the sewer line department this year. Still have an outstanding projected budget of \$10,000 to permanently repair the sinkholes that are occurring down over the interceptor on Breton Bay Drive. We have done patchwork but they continue to occur. It appears that the wood sheeting that was used to shore up the construction is just deteriorating and \$10,000 of that \$15,000 is just for that one project.

This will be funded from three different items. Some appropriation left out of the Insurance Account on the treatment side is \$3,473. There is also part of Jay's budget that has been taken out of Facilities Maintenance; he is running a little bit on the low side which is good, so 10% of his budget was taken out to fund these other items. The rest is coming from Retained Earnings. There are reserved monies that are kept there just in case things like this come up again. \$14,473 of that was specifically left over from Sludge Management from the prior year.

**Mayor Norris entertained a motion to approve the Budget Amendments. Councilmember Mattingly moved to approve Budget Amendment BJ01-06, Various General Fund Amendments and Budget Amendment BJ02-06, Various Enterprise Fund Amendments, Councilmember Roberts seconded, motion passed unanimously.**

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

**Hazard Mitigation Plan** – you received a copy last month for review. The County Commissioners will be adopting a Resolution in support of the plan on March 28<sup>th</sup>. A draft of Resolution 1-06 was provided at the March meeting and is brought before you today for signature. The County and the Town must adopt it by April 15. I will continue to serve on this committee with Mark Grant as my alternate.

**Resolution 1-06 for Multi-Jurisdictional Hazard Vulnerability Assessment and Mitigation Plan** reads as follows:

WHEREAS, the Town of Leonardtown is vulnerable to natural hazards such as flooding, extreme weather, and wildfires that can result in property loss, loss of life, economic hardship and threats to public health and safety; and

WHEREAS, the St. Mary's County Multi-Jurisdictional Hazard Mitigation Plan has been developed by the St. Mary's County Hazard Mitigation Planning Committee (HMPC) and the residents of the County; and

WHEREAS, the St. Mary's County Multi-Jurisdictional Hazard Mitigation Plan recommends mitigation measures that will reduce losses to life and property affected by the natural hazards that face the Town of Leonardtown; and

NOW, THEREFORE BE IT RESOLVED on this 10<sup>th</sup> day of April, 2006, by the Commissioners of Leonardtown that:

The St. Mary's County Multi-Jurisdictional Hazard Mitigation Plan is hereby adopted as an official plan of the Town of Leonardtown.

The respective Town officials and agencies identified in the strategy of the Plan are hereby directed to implement the recommended activities assigned to them.

ADOPTED this 10th day of April, 2006

**Councilmember Roberts moved to approve Resolution 1-06, Councilmember Mattingly seconded, motion passed unanimously.**

**Resolution 2-06 for the Concept Vision for Leonardtown Waterfront Plan adoption.** This is the Waterfront plan we began working with Tony Redman on, and was picked up and completed by Sam Crozier. We conducted a workshop on March 31. This was a very good workshop and we will be adopting that plan today as a guideline. The attached copy has all the changes from our discussion. The plan is critical to moving forward with the Waterfront Plan development.

**Resolution 2-06 for Concept Vision for the Leonardtown Waterfront** reads as follows:

WHEREAS, the Town of Leonardtown has ownership of nearly 2 miles of waterfront land. Leonardtown's waterfront is a valuable, yet largely untapped resource. Decades of decline have led to the abandonment of the previously utilized small section of Leonardtown waterfront, Leonardtown Wharf. Leonardtown's goal is to revitalize the Leonardtown Wharf property and to create projects on the remainder of the waterfront that will turn Leonardtown into a "waterfront town".

WHEREAS, this unique planning opportunity requires long-range vision that balances the needs of environmentally sensitive areas, parks and open spaces, public access, housing and community activities and economic development opportunities.

WHEREAS, the Concept Vision for the Leonardtown Waterfront recommends planning measures to accomplish these goals.

NOW, THEREFORE BE IT RESOLVED on this 10<sup>th</sup> day of April, 2006, by the Commissioners of Leonardtown that the Concept Vision for the Leonardtown Waterfront shall be adopted and will serve as a guiding tool for the development of the Leonardtown Waterfront.

ADOPTED this the 10<sup>th</sup> day of April, 2006

Ms. Miller noted the highlights discussed with Sam Crozier in the workshop:

Bring the streets down to the waterfront, keep open views all the way to the water, provide public access, and keep a recommended 300-foot set back from the water's edge for public access. In the future, there may be areas we would punch through the 300 foot setback for economic or public development of some sort but it was recommended to keep that intact as much as possible. Provide public dockage at the public park areas and private dockage to be determined for Leonardtown Landing town homes. Recommend keeping a long section of undeveloped area along the waterfront and areas for public and private piers and slips, however that is resolved in the development of Tudor Hall, and continuation of public access all the way out to Route 5 at Port of Leonardtown.

Ms. Miller reiterated once again that this document is a tool to work through the issues with WCI or whoever has ownership of that property and goes hand in hand with the Waterfront PUD Ordinance also worked on at the workshop.

Councilmember Roberts remarked that this is something we really need as a comprehensive plan from the Port of Leonardtown all the way down to the Wharf so we know exactly what our vision is for that property and she complimented Sam Crozier on doing a good job.

Mayor Norris pointed out that this is just a guide. He stated there are two key components to Mr. Crozier's plan that we are unified in accomplishing. One, that the Town retains the ownership of the 300 feet setback along the waterfront and second, that all the parks and open space areas are public and open to all the residents.

**Councilmember Roberts moved to approve Resolution 1-06, Councilmember Mattingly seconded, motion passed unanimously.**

Ms. Miller provided an update on the widening of Drs. Crossing Way. We have received the design plan and have put the contract out to bid. It was posted in the paper last week and a pre-bid meeting is scheduled next week. Construction can begin thirty days after award of the contract and we anticipate it will be about a thirty-day project. Trying to coordinate with the hospital on hours and times for the least amount of interference.

Mayor Norris thanked everyone for a great job with the Ribbon Cutting Ceremony for the Low Impact Design Parking Lot.

The Mayor asked if we had a Boy Scout in the audience. They introduced themselves and explained he is required to attend a government session to earn a citizenship merit badge, working towards Eagle Scout award.

**Council Reports:**

Councilmember Mattingly reviewed the upcoming events:

**Events – Councilmember Mattingly**

***Upcoming Events of Interest/Meeting Reminders:***

<b><i>Date</i></b>	<b><i>Time</i></b>	<b><i>Meeting</i></b>
Tuesday, April 11	9:00 AM	Chamber Tourism Committee meeting @ SMC Airport Conference Room
Tuesday, April 11	4:00 PM	Chamber Business Showcase @ SMC Airport Conference Room
Wednesday, April 12	8:30 AM	LBA Meeting @ Leonardtown Vol. Fire Dept.
Wednesday, April 12	12 Noon-3 PM	Health Connections Van in the Town Square
Saturday, April 15	10 AM-1 PM	Easter Egg Hunt & Festival @ Governmental Center
Wednesday, April 19	11:30 AM	Chamber Members Luncheon, celebrating "Staff Appreciation Day" @ Outback Steakhouse
Sunday, April 23	12:30-4:30 PM	Earth Day Celebration in the Town Square
Sunday, April 30	8 AM-4 PM	Spring Fling XXI Classic Car Show on the Town Square (Raindate is May 7)

Wednesday, April 26	7:30 AM	Governmental Affairs Committee meeting @ SMC Airport Conference Room
Wednesday, April 26	5:30 PM	Chamber "Business After Hours" @ Tidewater Dental, Lexington Park
Friday, April 28	7:00 PM	Three Oaks Center presents "Come to the Cabaret" @ J. T. Daugherty Center
Tuesday, May 2	12 Noon-7 PM	Leonardtown Elections
May 4 - May 7		12th Annual Spring Fling @ SMC Fairgrounds
Sunday, May 7	1 PM-6 PM	"A Taste of St. Mary's " @ Historic St. Mary's City
Wednesday, May 10	1:00-7:00 PM	Chamber Business Showcase 2006 @ So. Md. Higher Education Center

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

**Traffic/Police – Councilmember Faunce: No Report**

**MML/SMMA – Councilmember Roberts**

Councilmember Faunce and I attended the SMMA meeting and took the latest copy of the Beacon and they were very impressed and Linda received a few phone calls with questions. We also presented them with a copy of the PIRD and they were interested and we saw their presentation on Hiker/Biker trail that they are running through Chesapeake Beach which tied in with our vision.

Ms. Miller interjected that Leonardtown was asked to speak at the Maryland Municipal Convention in June. Maryland Department of Planning recommended three towns to speak at one of the courses regarding our vision and how we plan ahead for the growth.

Mayor Norris stated that after the meeting adjourned there would be an Executive Session to discuss personnel issues and land acquisition.

**Adjournment:**

**Mayor Norris entertained a motion to adjourn. Councilmember Faunce moved to adjourn the meeting. Councilmember Mattingly seconded the motion, which passed unanimously. The meeting adjourned at 4:40 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