

Commissioners of Leonardtown
Town Council Meeting Minutes
May 8, 2006 ~ 4:00 P. M.

Attendees: J. Harry Norris, Mayor
Walter Wise, Vice President
Thomas Collier, Councilmember
Robert Combs, 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. Dan Burris, LBA, Lynn Collier, Resident; Greg Welker, SHA; Kim Tran, SHA; Mike Mummaugh, Paragon Properties. A complete list of attendees is on file at the Leonardtown Town Hall.

Swearing In of Elected Officials – Three Council Members

Mayor Norris asked Leslie Roberts, Tom Collier and Robert Combs, individually, to raise their right hand and repeat after him:

I, (their name), do swear that I will support the Constitution of the United States and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof and that I will to the best of my skill and judgment, diligently and faithful without partiality or prejudice, execute the office of Councilmember, according to the Constitution and laws of this State.

Each Councilmember signed the Oath of Office to be kept on file. Ms. Miller took a photo of the newly elected Council members with Mayor Norris.

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 April 10, 2006 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve the April 10, 2006 Town Council meeting minutes. Councilmember Mattingly moved to approve the minutes, seconded by Councilmember Wise; motion passed unanimously.

Mayor Norris welcomed Greg Welker, District Engineer for Southern Maryland and Kim Tran, Assistant Engineer for Traffic from the State Highway Administration. They volunteered to come today to specifically talk about the issues along Route 5 and to offer suggestions and comments on ways to reduce speeding and accidents along Route 5.

Mr. Welker stated that his staff brainstormed to come up with a viable option to try to reduce speeding, congestion and rear-end accidents along Route 5. The long-range plan calls for utilizing that road with medians and turn lanes and it is in the County's priority letter. We have worked with Ms. Miller and the regional planners to work with the developers who are building new developments along that route to implement and build in pieces along the way as a method of putting these in place. We have also challenged ourselves to come up with ideas to do something for the short term. One of the things we know from experience, in other places both in Maryland and across the country, is that driving is based on perception and in how you perceive that road. If you do things to make the lanes seem like they are smaller we know that statistically drivers will slow down. Make it feel tighter and drivers feel the need to start slowing down.

We looked at the existing roadway and our best suggestion is to make the lanes seem smaller. We would come off of the curb and gutter about two feet and put a ten inch solid white line, which is twice the thickness of a normal white line, and then in the center, instead of a normal double yellow, we will spread the double yellows apart and put raised pavement markers down the center which will also help with night-time visibility and also, along the far side against the curb and gutter we will come out two feet and do a ten inch solid white striping line. This still keeps the same amount of pavement. We are not forcing anyone closer but this visibly gets drivers to perceive the need to slow down. This is an immediate, low cost alternative that we can have in place this summer.

Councilmember Wise asked if this included resurfacing?

Mr. Welker replied no, we would not have to resurface the roadway for this and we can do all the re-striping based on what is out there right now. We do know we have problems in the right-hand lane coming southbound. Patching is a high priority for us and we hope to have some funds in the next fiscal year and to come up with a conclusive answer to this problem area, but this solution could go on independently whether we patch the roadway in that area or whatever we end up doing. We would like to give this a try and get started on this process this summer.

The Council members discussed the idea of visual illusions for speed enforcement bringing up articles they have read on horizontal striping. Mr. Welker noted that horizontal striping is still

being evaluated. Discussion continued on various other options, such as reducing the speed limit, and placing another stoplight along Route 5.

Mr. Welker addressed their concerns stating that if you put the speed limit down too far below what people feel the road handles, then there is not much compliance for that and also another stoplight would not solve the problem but may also cause additional accidents. Mr. Welker felt this perceived visual speed calming was the best method to put into place at this time and it would be evaluated to see how effective it is.

Mayor Norris noted that the Council members gave their consent to put this visual speed calming method into place and gave their approval for Mr. Welker to begin implementation this summer and thanked Mr. Welker and Ms. Tran for their assistance.

Police Report – Deputy Gray Maloy

Accidents were down this month. No serious incidents to report. Lots of event activity in the Town, such as the Car Show and Hospice Walk. A seat belt survey was held at Ryken High School along with their Traffic Safety Officer.

Treasurer's Report

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

You have a copy of the monthly financial information through April. During the month, I transferred \$85,000 from the checking account to the LGIP. We are currently 85% through the budget year.

On the agenda today is the extension of the Waste Management Contract. The period of July 1, 2006 to June 30, 2007 would be the last year extension on the Waste Management contract that was re-bid and will be the fifth year. It was our anticipation that the price increase would take effect July 1, 2006 but because of the Calvert County landfill tipping fee increase they have requested an increase effective April 1, 2006. In your packet, I have prepared spreadsheets on all the information related to Waste Management prices that we pay on a monthly basis. The first column is currently what the rate is for each type of service, the second column is what they are requesting as of April 1 (per unit price and strictly the tipping fee increase) and the third column is what they are requesting on July 1, 2006. Residential per quarter price to WM would go from \$46.05 to \$50.85. Then, effective July 1, 2006 it would go to \$51.96 equivalent to a 12.8% increase to WM.

Councilmember Roberts inquired if the bulk of that is because of the tipping fee?

Ms. Sothoron replied that the April 1, 2006 increase is due to the tipping fee and then the increased change on July 1, 2006 is the 2.2% cost of living increase that they have requested. At the last meeting, I specifically told you that they were not requesting anything other than the tipping fee increase and three weeks later I received an email saying that that person misspoke, he was incorrect and they were requesting a 5.1% cost of living increase.

Councilmember Mattingly asked if they were asking us to match the tipping fee dollar for dollar?

Ms. Sothoron replied yes, it is a pass through. The 5.1% increase they requested is associated with transportation expenses. We negotiated to the CPI, less any transportation costs because in essence they would be double dipping. Every month the invoice we receive from WM is totaled up for all components, residential, commercial and recycling, and the bottom line of that bill is increased by a fuel surcharge that is set by the diesel price at the end of the month and there is a cost matrix that WM issues that is tied to the invoice. It is running at about 8%. The town is absorbing that cost and is not passing that on to the customers. WM is being compensated, the customer is not paying for it, and the town is using its reserves to pay for it for the time being.

Councilmember Roberts asked if these prices are very reasonable compared to competitors?

Ms. Sothoron stated that she was quoted that the normal quarterly residential charge outside of the Town of Leonardtown is about \$104 and our fee will be going to \$51.96 for residential, the commercial fee varies.

Councilmember Collier asked if their previous extension had a CPI increase?

Ms. Sothoron stated that it was not expressed as a CPI, but they quoted us certain per unit prices and she did a percentage increase, which equated to about 8%. Because they had not increased the prior three years, all prices remained steady for three years with the exception of a tipping fee pass through as the landfill increased their tipping fee. They passed that through but the base charge for our customers stayed the same for three years straight so the increase last year worked out to be about 8%.

Councilmember Collier commented that that was equivalent to 2% per year.

Councilmember Roberts moved to renew the Waste Management Contract for the last year of their extension at the proposed unit prices, Councilmember Wise seconded, motion passed unanimously.

Councilmember Roberts moved to accept the proposed service charges effective July 1, 2006 of \$53.21 for residential per quarter, \$5.21 per yard for commercial food service and \$4.27 per yard for commercial non-food service and \$1.83 per yard for recycling with a minimum price for commercial service of \$111.02, Councilmember Wise seconded, motion passed unanimously.

Planner's Report – Laschelle Miller

Ms. Miller stated that an update on the major projects is included in the council packets but provided a brief overview of the major projects.

Clarks Farm – They came before the Planning and Zoning Commission in February and presented an update. They anticipate coming back for final site plan in the next couple of months.

Leonard's Grant - Presented an update on Phase I to the Planning and Zoning Commission in April and will be coming back for their final site plan in the next couple of months on Phase I.

Fenwick Street/Foxwell Apartments - Received final site plan in April 2006 and are working on pulling their building permit.

Old CVS building – Linda's Café opened on April 6, 2006 and is doing extremely well.

Lawrence Avenue Project (PIRD overlay) - Final site plan approval at the April meeting and they are also awaiting their building permit (one more review from DPW).

A copy of the letter signed last month regarding the expansion of the Detention Center has been provided to you today. We received a response letter back from the County Commissioner's and a copy is also attached.

Councilmember Roberts asked if there were two different things happening out there? A minimal security facility and then expansion of the jail?

Ms. Miller replied that one project is to expand the current facility and the other project is to build a new building.

Councilmember Roberts stated that it looks like they are building the other building first.

Ms. Miller responded that it looks that way with construction starting in 2009 and the expansion in 2012. There are some follow up meetings and we are waiting for a discussion with the Sheriff. They did supply us with some information back in March as far as the number of EDU's but there was not any timing attached to it. They mentioned their planned public meeting room and second story addition for Soil Conservation and a public meeting room and they are within what we have allocated for expansion in the Governmental Center.

Mayor Norris remarked that this is a big issue. They are using up valuable utility services of the Town and are requesting over 100 EDU's of which we were not aware. We did not anticipate this when we were doing projections for the Leonardtown expansion and are asking for clarification on the project. We will continue working with them.

Councilmember Roberts did notice a building permit for the Singletree Office building on Miss Bessie Drive. Ms. Miller stated that the hold up was that they had to come to an agreement with DPW and the County Commissioner's as they were enlarging the county owned SWM pond.

Mayor Norris stated that it is helpful to attend the P&Z meetings but if you are unable to it is helpful to review of the agenda and minutes.

Town Administrator Report – Laschelle Miller

Drs. Crossing Way Project - This project was put out to bid on April 27, 2006. Bids were accepted and opened for the improvements at the intersection of Drs. Crossing Way and Route 245 by adding a left turn lane. State Highway did the design and engineering for that project even though it is a Town road. We are bidding the project and overseeing construction. Only one bid was received by C.A. Bean, Inc. The bid amount was \$155,030. This exceeded the original budgeted amount for the project. We had some informal discussion with Mr. Burrows from C.A. Bean and talked about why the price came in so much higher. It appears that Mr. Burrows felt that he would have to abide by State Highway project requirements. We did discuss this in the pre-bid meeting but there must not have been a good understanding. I asked Mr. Burrows to come back with some revisions. Mr. Burrows is also expanding a parking lot for the hospital and stated he would be able to reduce the mobilization cost if he could do it all at the same time. Overall there was a \$30,000 reduction. We only received one bid and he ensured us in a follow-up letter that he will still provide the same quality of work. Staff recommendation is to award the bid to C.A. Bean for \$112,000. Also note that St. Mary's Hospital is funding half of this project and the Town is funding the balance from the State Highway User Revenue.

Councilmember Collier asked if work along Route 245 would shut down traffic at any time?

Ms. Miller responded that State Highway would not allow the road to be shut down completely at any point but there will be periods where they would have to piecemeal certain types of work and there may be some minor road closures. We will work with the hospital and Sheriff's department to deploy a deputy for a period of time to maintain traffic when necessary.

Councilmember Collier asked how this would affect the office building going in?

Ms. Miller stated that we will be awarding this contract tonight and they would be trying to coordinate these projects. Construction is planned to begin in June and is a thirty-calendar day project.

Councilmember Roberts moved to accept C.A. Bean's revised bid for the Drs. Crossing Way and Maryland Route 245 road improvements for \$112,000 with a proviso that the final construction contract with the Town include all of the conditions mentioned in the letter from C.A. Bean, Councilmember Mattingly seconded, motion passed unanimously.

Leonardtwn Wharf Project Update - Went to settlement on April 27, 2006 for the three quarter acre site for the public park for the September 9, 2005 agreed upon sales price. We received one bid for the project from Cianbro Corporation in conjunction with W.M. Davis for a portion of the job. The bid was in the amount of \$4,628,700 and staff recommends awarding that contract to Cianbro Corporation. Cianbro has held the original bid price past the agreed upon 180 days, even with the significant price increases with steel (especially after hurricane Katrina).

We received another \$100,000 grant from Community Legacy. The Mayor and I accepted the award from the Governor at an award ceremony in Bowie. We then received word that we will receive \$300,000 additional grant monies through the DNR Waterway Improvement Fund. I

have provided you with a break down of the entire projected cost. We will be working with Sam Crozier on a new design for the railings and it looks like we can feasibility save about \$300,000 bringing the total cost down to \$5,317,750. We do have a number of meetings set up to pursue additional funding to cover the shortfall. We have a meeting scheduled with the Governor's office on Thursday along with County Commissioner McKay, the Mayor and myself for some additional state funding. We are also on the agenda requesting the County to look at additional funding over and above the one million they originally funded. We are on the agenda Monday at their budget work session to do an update presentation. We are pursuing some different avenues for the additional funding, which is about 2.6 million dollars short.

It does complicate awarding the contract and I have talked with our attorney and we are in the process of coming up with a contract that would protect the Town. If we award the full contract but only issue a limited notice to proceed with the funding we already have then we would be protected if we have a good contract in place that we could get out of the additional contract if we can not come up with the funding and provide wording that the bidders are comfortable with.

The actual bid to Cianbro was \$4,580,000 and then we broke out a line item for \$48,000 for paver installation because we want to go and buy the pavers ourselves it would save us significant money so the total amount of this award would be \$4,628,700 and then what they are requesting is that we would have the flexibility for a limited notice to proceed and working in Phases. The money from the grants can only be used for specific items. We have to look at the sequence of construction, demolition first, and then the bulkhead in next, and some of the site work. We have to look at a logical sequence of construction to flow with the funding. Cianbro has worked very well with us on that and we are very close to coming up with how the phases will be done in conjunction with the money that we have. I would like to award the contract to Cianbro and also approve the paver money for a total of \$4,628,700 that would be the entire contract. Then a limited notice to proceed for up to the \$2,714,000 which is the funding we currently have available leaving the staff to work through the phasing. I wouldn't issue a notice proceed for that entire amount the first phase will probably be about \$1.3 million and so as we need to issue additional monies to proceed. And the final item, W.M. Davis's work is coming in after Cianbro is completed and he is asking for a contingency on the contract. If we do not have the additional funds secured by August 1, 2006, we would build in a 5% increase in the remaining contract items that would hold in place until November 1, 2006. This gives us more time to get the additional funding but they have already seen increases in some areas of the subcontractors.

Councilmember Roberts moved to award the contract to Cianbro Corporation in the amount of \$4,628,700 (\$4,580,000 to Cianbro plus an additional \$8,700 they would get for the installation of the pavers and an additional \$40,000 for the pavers that we purchase directly) with a limited notice to proceed up to \$2,714,000 which is our current available funding and the staff will issue the notices to proceed in phases, in addition, W.M. Davis has requested that there is a contingency plan to build in a 5% increase between August 1 and November 1 for items that have not been issued.

Discussion:

Councilmember Wise stated that he does not like to mix materials with contracts, they should have the full contract and we should not have to purchase the pavers separately.

Ms. Miller noted that this is how the job was bid. The pavers are a specialty item and we bid it so that they were only bidding on the installation, we had to provide them with the specs on what we were buying. These compass rose pavers are for a specific design and come in a package that we separated out from the bid.

Councilmember Combs commented that we are talking about a 5% increase effective August 1, 2006 and if they haven't been told to proceed the maximum would be 5% of the 2.6 million and not on the total contract.

Ms. Miller replied that that would be the maximum and a lot of those items hopefully will be completed by then.

Councilmember Collier seconded, motion passed unanimously.

Plant Award – Received again this year from DNR, Mark Grant accepted the award at the May County Commissioners meeting. We received the award partly because of the new parking lot and also due to the additional plantings around town and the large showing at the Earth Day event.

Business After Hours – We are this month's host for St. Mary's Chamber of Commerce and have planned a Scavenger Hunt to entice the attendees to walk around the Town and visit the various participating businesses.

Waterfront Plan - Completed a month ago with Mr. Crozier and the scope of work was approved for a maximum of \$12,000. Mr. Crozier did an excellent job. He put in a lot of time and effort but he did not keep good records of his time. We also asked him to do some additional things leading to an overage of \$5,000. He has requested that we would grant him an after-the-fact approval. We asked him to keep better records in the future and inform us on a more timely basis. Overall we were pleased with the plan, it will be a great tool for us. I am requesting an additional \$5,000 for the completion of the waterfront plan.

Mayor Norris stated that Mr. Crozier's plan is good but that he should have notified us that he was going over the agreed upon rate. We can act on it today or think it over and make a future recommendation and re-look at it again in thirty days.

Councilmember Roberts asked that a memo be prepared explaining the overages.

Ryken Annexation - Went before the County Commissioners last Tuesday. Last September we passed a Resolution agreeing to annex Ryken with only two stipulations. One, that they would install a water meter and two, that the 40 EDU's that are with METCOM would not go back to METCOM. We agreed to annex Ryken to help them to be able to expand their facilities. The County has had some issues with their zoning they did not have any more EDUs and the Town was not actually gaining any taxes, this was more of a favor to Ryken. In the past, Cedar Lane

was annexed in and the EDU's did not free up for METCOM's use. Since September, the Ryken board has been working with METCOM and METCOM decided it needed to go to before the Planning and Zoning Commission. I sent a packet of information to Land Use and Growth Management back in October and recently the Ryken board sent another request to the Planning & Zoning Commission for the County. We had some meetings scheduled but the County Commissioners were hearing a lot from the Ryken board and went ahead and put it on their agenda. They heard it on Tuesday and directed staff to move ahead with the process. They did not have an issue with the EDUs for the County and they directed staff to help Ryken work through the Critical Areas mapping mistake. We met today to move forward and the timeline will be on the August Critical Areas agenda. It should go through smoothly but the County Commissioners did ask that we look at possibly freeing up some additional capacity for the County with the expansion. The County does have additional information that we were not provided with about how much land is outside the town that still is in the Development District, what it is zoned and how many houses that might entail. I did refresh their memory on the additional EDU's that were used at Villages of Leonardtown but were supposed to be for Banneker. It could be 3,000 homes, with the TDR program up to 5,000; a significant development and we did not build anything in the expansion to that degree.

Mayor Norris stated that we could be trying to negotiate with the County on any parts of our plan and need to work through this issue.

Clock - The clock arrived broken, damaged in shipment and the company is expediting a new one and hopes to send another one in the next few weeks.

Faunce Recognition - Mayor Norris asked Charlie Faunce to step forward and presented him with a plaque that read:

Charles R. Faunce, Commissioner of Leonardtown, 1998 to 2006. In appreciation of your friendship, contributions and commitment to the citizens of Leonardtown while serving our town, presented by the Mayor and Council.

Mayor Norris was pleased to announce that Mr. Faunce has agreed to serve on the Planning & Zoning Appeals Board.

Mayor Norris received an office acknowledgement from MML and the University of Maryland's Institute of Governmental Services that Leslie Roberts completed the Municipal Track requirement for the Academy for Excellence of Local Government for 2005 and congratulated her on her achievement.

Mayor Norris was asked to speak to the Leonard Hall Graduation Classes on Saturday, June 3, 2006.

Mayor Norris also stated that Mercantile Bank has started an Arts Award program in the name of Joe Marion Gough and are displaying in their lobby works of art from St. Mary's College and have asked him to be a judge.

Council Reports:

Councilmember Mattingly reviewed the upcoming events:

Events – Councilmember Mattingly

Upcoming Events of Interest/Meeting Reminders:

Date	Time	Meeting
Tuesday, May 9	9:00 AM	Chamber Tourism Meeting @ SMC Airport
Wednesday, May 10	TBD	LBA Meeting @ Location TBD
Wednesday, May 10	11:30 AM	Chamber of Commerce Awards Luncheon @ So. Md. Higher Education Center
Wednesday, May 10	1 PM-6 PM	2006 Business Showcase @ So. Md. Higher Education Center
Wednesday, May 10	12 Noon-3 PM	Health Connections Van in the Town Square
Thursday, May 11	11 AM-3 PM	Tourism Festival @ 301 Welcome Center
Saturday, May 13	9 AM-3 PM	2nd Annual SMAWL Animal Fair @ SMC Fairgrounds
Saturday, May 13	6:00 PM	Father Andrew White School Dinner/Dance/ Silent Auction @ J. T. Daugherty Center
Thursday, May 18	8:00 AM	Chamber Legislative Wrap-Up Breakfast @ SMC Airport
Thursday, May 18	7:00 PM	Basket Bingo at LVFD to benefit LVFD Auxiliary @ Firehouse
Tuesday, May 16	11:30 AM	6th Annual Law Enforcement Appreciation Day @ Governmental Center
Saturday, May 20	11 AM-2 PM	SMC Welcome Center Grand Opening @ Charlotte Hall
Sunday, May 21	8 AM-4 PM	11th Leonardtown Bicycle Criterium On Washington Street & Lawrence Avenue
Wednesday, May 17	6:30 PM	Southern Maryland Chapter Meeting @ Citrus Café in Indian Head

Wednesday, May 24	5:30 PM	Chamber “Business After Hours” Scavenger Hunt on the Town Square followed by refreshments @ Leonardtown Town Office
Monday, May 29		Memorial Day Holiday – Town Office closed
Saturday, June 10	9 AM-3 PM	Soap Box Derby on Fenwick Street
Saturday, June 10	5 PM-9 PM	Farewell celebration for Elaine Ryan @ CSM Leonardtown Campus
Sunday, June 11	12 Noon-5 PM	SMC Crab Festival @ Governmental Center
Wednesday, June 14	6:00 PM	Flag Day Celebration @ Governmental Center
June 26-June 29		MML Annual Convention in Ocean City
Wednesday, July 12	11:30 AM-1:30 PM	Lunch-time Concert on the Square presented by the “Quatronic” Jazz Band
July 14 – July 16		National Reunion of Descendents of Maryland To Kentucky
Saturday, August 5	4 PM – 9 PM	Beach Party on the Square

Streets and Roads – Councilmember Wise: No report

Traffic/Police – Councilmember Faunce: No additional report

MML/SMMA – Councilmember Roberts:

Next meeting will be on Wednesday, May 17 in Indian Head. The Presidency rotates with the towns, in alphabetical order, and since La Plata has this year, that means we will have it next year. I have been attending the meetings and will step in as President, Mock has agreed to be Vice President and we elected Teri Dimsey to be the Secretary. You are all invited to attend and we will host the legislative dinner this fall.

Adjournment:

Mayor Norris entertained a motion to adjourn. Councilmember Mattingly moved to adjourn the meeting. Councilmember Wise seconded the motion, which passed unanimously. The meeting adjourned at 5:30 P. M.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Walter Wise, Vice President

Thomas Collier, Councilmember

Robert Combs, Councilmember

J. Maguire Mattingly, III, Councilmember

Leslie E. Roberts, Councilmember