

**Commissioners of Leonardtown**  
**Town Council Meeting Minutes**  
**August 14, 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; Jennie McGraw, Plans Reviewer; Rebecca Sothoron, Town Treasurer; Teri Dimsey, Recording Secretary; Al Gough, SMECO; Joe Densford for SMECO; Ken Capps, SMECO; John Wharton, Enterprise; Chuck Wright, SMECO. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Norris called the regularly scheduled meeting to order at 4:05 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 July 10, 2006 Town Council meeting were presented for approval.

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

**Planner's Report – Laschelle Miller**

Ms. Miller introduced Ms. Jennie McGraw, as the Town's new Plans Reviewer. Ms. Miller exclaimed that everyone was excited to have her on board.

Mayor Norris remarked that Ms. McGraw has begun straightening out the files and archiving many of the documents and is working both upstairs in the planning office and downstairs in the permits office assisting customers who come in on a daily basis.

During the July 17 Planning and Zoning meeting, the Commission heard a case for a two-foot rear setback variance for Bea Tatlow on Mile Post Lane. They sent a favorable recommendation

to the Board of Appeals. They also saw the concept presentation for Community Bank on Route 5. The concept was tabled and they will be coming back before the Planning Commission with a revised concept plan.

Upcoming August 21, 06 meeting:

- Breton Market Place concept, which is the Mattingly property. The first phase was renovation of the existing building.
- Representatives from SMECO will be here for the tower site plan, which will be discussed later today for the replacement of the communications Tower.

A Board of Appeals meeting is scheduled for Tuesday, August 29th. The first item is the Mile Post Lane two-foot rear setback variance for Bea Tatlow and then we have another five-foot rear setback variance in Academy Hills that the Planning Commission gave a favorable recommendation at the June meeting.

Councilmember Roberts stated that in reviewing the July Monthly In-house Permits it states that we issued the permit for the road widening at Drs. Crossing.

Ms. Miller responded that that is correct, she was on site today and they are moving forward on the project.

Councilmember Mattingly inquired if the Community Bank was going to be demolished?

Ms. Miller responded yes and the adjoining Burch lot will be used mainly for parking and access.

Councilmember Wise inquired if the tree along Ms. Bessie's Drive will remain?

Ms. Miller replied yes, the tree will stay and the contractor will have to work from the road around the tree to accomplish the work.

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

Deputy Maloy noted that in the beginning of July there was some property destruction in the Lawrence Avenue area. He began riding the bicycle around the neighborhood in the evenings and to date, there have been no further incidents.

National Night Out was held on Wednesday, August 2 and they had a good turnout. Great DJ, good food, and lots of kids came out and played. The Fire Department ran a sprinkler for the kids, which they enjoyed.

Mayor Norris noted that he was there earlier and it was an extremely hot evening but everyone was having a good time.

Deputy Maloy reported that the patrol division conducted 29 premise checks on the midnight shifts. Busy month for calls for service but nothing serious, mainly minor traffic complaints.

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

Ms. Sothoron reported that \$355,000 was transferred from the MLGIP to the checking account. We are receiving big bills from Cianbro, on a regular basis, for the waterfront project. A Certificate of Deposit was opened with Mercantile Bank, which is where our operating account money resides. There was a dormant savings account and Mercantile recommended that we open a Certificate with a better yield of 5.15%, which is almost as high as the LGIP, which was 5.19% last week. At this time, nothing significant in regard to the Income Statement. Councilmember Roberts inquired about the liability and auto insurance premium.

Ms. Sothoron remarked that that has not yet been allocated among departments. It looks like it is over budget but the utility piece has not been taken out.

The property tax billing was finally complete and mailed last week. We have been experiencing problems with the software vendor and we were hoping to have that resolved. We are working toward a new solution and hope to have that done before the end of December. For now, we are still able to take payments and post payments with no effect to the customer. We did get a number of calls from people who are new to town that did not realize they were going to be taxed. Several months ago I distributed information about the combined County/Town tax rate. The town is one of the lowest in the State.

Mayor Norris stated that we do our best with the realtors and builders and developers to let them know that they are in a municipality and they will have municipal taxes but it is not always communicated.

Ms. Sothoron stated that she is still working with the Community Development Administration, which is right now our selected choice of funding for the streetscape project. I anticipate that between now and the September meeting they will provide some legislative documentation that we will have to adopt in order to participate and I am still hoping that the 1.2 million that we budgeted is going to hold once the bids come in September. We may have to re-evaluate once they are open but I am still proceeding along that route.

Regarding the funding for the water and sewer upgrade and the treatment plant expansion. I am looking at different sources of funding. Water Quality Financing, which normally is our preferred route and has a lower interest rate, suggested that I contact our bond council, which we do not retain on a regular basis. We only need bond council, Funk and Bolton, when we have tax exempt financing and we are very comfortable with their services. In conversations with Funk and Bolton, who is researching this for us, we are trying to work out some of the necessary language to borrow money and ensure that we have debt service coverage. I did not anticipate this much work would be required, so I would like the Council to agree to retain this firm, in the short term, to help us with these important details. My call to them was to represent us at the Water Quality loan financing and they are going to provide us with a proposal. They need to provide me some hourly service rates. I would like the Council to give me some level of comfort that this is okay and I will bring the proposal before the Council at a future date for the estimated cost of that Water Quality financing. This has become extremely complicated, more complicated than any other financing we have done, and mainly it is because our intent is to pay that service,

not with service charges but, with impact fees, which throws a monkey wrench into the equation as it requires more research on how we get that done and if it is okay with Water Quality financing to do it that way.

Councilmember Roberts remarked that you would come back with a concrete proposal for the actual process?

Ms. Sothoron responded yes, for the representation that we need for loan closing but I am not sure how much it will cost in the interim.

Ms. Miller stated that this is why the ordinances, introduced last month, are not on this month's agenda. We are still working on some of the language and did not want to move forward until the documents are finalized.

Councilmember Roberts asked if we have any idea when the upgrade will start.

Ms. Miller stated that the upgrade would go out to bid early in 2007. We are just at 30% completion of the design and they are moving forward.

Ms. Miller stated that in recent discussions with Murray and Wamsley and in an effort to reduce audit costs we had questioned the LRI audit procedures.

Mayor Norris commented that this was discussed during the Friday workshop but Ms. Sothoron had a more recent conversation with Mary Ann Wamsley and will bring us up to speed.

Ms. Sothoron remarked that several weeks ago, when we first posed the question to Ms. Wamsley her initial reaction was that she did not see a problem in suspending the audit work for LRI because no financial activity had happened. In speaking with her today, she has reconsidered as there are off the balance sheet commitments associated with LRI. Although the Town is not responsible, they are disclosed in the financial statements so she feels more comfortable continuing the audit. Understanding our concern regarding the fee, she has reduced the fee. It began at \$1,500, went to \$1,000 and now down to \$625. She feels strongly that we need to continue the audit but has discounted the fee.

Mayor Norris noted that if she feels that strongly and as we put our trust in them, it would benefit us to take their advice.

Mayor Norris entertained a motion to extend the audit to the LRI activities.

**Councilmember Wise moved to approve to extend the audit to the LRI activities, Councilmember Roberts seconded, no discussion, motion passed unanimously.**

Mayor Norris remarked that representatives from SMECO were present.

Ms. Miller briefed the Council and remarked that SMECO has requested to replace the existing communications tower located at their facility on Hollywood Road. This replacement and

expansion is needed to meet the ever-growing regional demands and to replace outdated equipment. SMECO is also experiencing significant blockage from growth of trees. The existing tower is 154' tall; the proposed tower will be 199' tall. This is the maximum height allowed by our ordinance. The Zoning ordinance allows communications towers in the Institutional/Office category, however, SMECO has an existing tower in the Commercial Business district. Section 155-28-C of the CB Zoning states that "The Mayor and Council may modify the strict application of all the preceding standards where it is felt that such work further the objectives of this ordinance." SMECO will be moving the tower on their site to ensure that the fall line would clear any existing structures. Upon the Council's approval of the replacement of the tower, the case will be forwarded to the Planning Commission for site plan review.

Ms. Miller stated that Ken Capps, Al Gough, Chuck Wright and Joe Densford are here to represent SMECO to provide information on the necessary changes to make this communications tower work and they will stress that this is more than just for voice or data that is being communicated, this system actually controls a very big power line that comes down from Charles County and if this system does not function properly the consequences could be catastrophic in this area, not only to the customers but could even effect generating stations that are providing power to SMECO.

Mr. Capps introduced himself and explained that this is part of an existing communication system. It is a microwave system that runs from the Hughesville office to the Ryceville switching station, which has a transmission level of 230,000 volts. The transmission line is at the upper end and runs from Ryceville to Hewitt Road with Leonardtown in between. This system was originally installed in 1986 with mid 80s technology and referred to as 2 gigahertz, the frequency which the microwave is communicating, and is analog not digital. This system no longer supports us and we have taken it out of service. SMECO is required to clear faults and the only way is if the two end points, Ryceville and Hewitt Road, talk to one another. We are converting to a six-gigahertz system, which is digital communication and are relocating the tower away from the building and going from 154 feet to 199 feet. One dome transmits and one dome receives and they need to be high enough to make sure they communicate.

Councilmember Roberts inquired that once the new tower is up the old one will be dismantled.

Mr. Capps responded that is correct and also, Maryland State Police has asked them to place a light at the top of the new tower for safety reasons.

Ms. Miller stated that the old tower does not fall inside your property line but the new tower has been moved further into the property to ensure it stays with the property fall line.

Ms. Miller stated that Council would be providing approval to replacing the tower within our ordinance guidelines and this approval would go to Planning and Zoning Commission for them to review the site plan to make sure that they meet our requirements.

Mayor Norris confirmed that this would be an approval by the Council to allow the tower to be replaced and expanded and passed onto the Planning and Zoning Commission to make sure the plans meet the Town's guidelines.

**Councilmember Collier moved to allow SMECO to dismantle the existing tower and erect a new 199' tower, Councilmember Roberts seconded, no discussion, motion passed unanimously.**

Mayor Norris inquired about the pumping station and burying the cables at the Port of Leonardtown location.

Ms. Miller stated that she has been working with SMECO.

Mr. Capp stated that SMECO did not see any problems with making these accommodations.

**Asphalt Bid** - Ms. Miller remarked that the next item for discussion is the Asphalt Bid. The bid packets were advertised on 7/21 and 7/26 and the bid opening was August 8, 2006. A list of the streets to be paved is enclosed in your packet. Two bids were received:

C.A. Bean for \$145,000	Add alternative for \$72,900
Great Mills Trading Post for \$165,980	Add alternative for \$86,300

We would like Council to award the bid today so that we can move forward with this project. Councilmember Wise would like to recommend that we award the base price of \$145,000 to CA Bean but, he would like to request some flexibility, as one of the alternates on Duke Street was for 815 linear feet and he would like to add about 100 feet as this would provide a good cutoff. I do not have an extra price on that because they priced it at 815 linear feet.

**Councilmember Roberts moved to award the Asphalt Bid to CA Bean for \$145,000 without the add alternate of \$72,900 and provide some flexibility for the additional feet on Duke Street, Councilmember Mattingly seconded, no discussion, motion passed unanimously.**

**Resurfacing** - Ms. Miller stated that she had been notified by State Highway that they will begin resurfacing sections of Route 5 between Rt. 245 and Rt. 243 to be completed by October. Further investigation of the deterioration of the section across from Mattingly's is ongoing. They will be doing striping and markings, in conjunction with the resurfacing, and will get started by the end of August.

**Sprinkler System** - Ms. Miller remarked that the water sprinkler system was installed in the square. Atlantic Lighting did a wonderful job and Bill Wood of Woodlawn Lawn Services also agreed they did a great job. Mr. Wood was able to have them include the bed area down by the clock and to install them free of charge. Atlantic Lighting also replaced two hydrant locations that needed to be replaced, free of charge, which amounted to approximately \$2,500 worth of extra work not included in the original bid.

**Videotape Meetings** - Ms. Miller remarked that taping of the meetings was suggested and that Ms. Dimsey worked with Mr. Millham of the Forrest Center to collect information on the pricing of the equipment we require. We will need to purchase the equipment and can possibly get a student or a town employee to tape the meetings.

**Mayor’s Report – Mayor Norris**

Mayor Norris stated that the Council’s packet included a copy of the letter that will be sent to the Fire Department in regard to the Residential Sprinkler System. He met with all the major developers and they agreed to place them in their model homes and will encourage the use of the systems. If the County were to initiate tax rebates or incentives to pay for the systems, the Town will also consider moving ahead separately and this is spelled out in the letter.

Mayor Norris remarked that there is also a letter included from Dave Frock, Department Chair for the College of Southern Maryland Wellness Center. Mr. Frock lives in Academy Hills and is interested in being involved with the Town and has agreed to serve on the Planning and Zoning Commission. He will replace Councilmember Collier who continued to serve until we found a replacement, thank you Tom. Also, I would like to appoint Dan Burris to replace Gary Simpson. I am also searching for an appointment to the Board of Appeals and will keep the Council informed.

The Carousel invited Josh Rales, who is running to fill Senator Sarbanes seat, to host an ice cream social in Town today. We may get requests from businesses to utilize the square for political events and we will try to accommodate their requests without too much disturbance of the other businesses around the square. It is truly a compliment that they want to come into Leonardtown and meet on our square. It is nice that our businesses ask to use it and are proud to show off the square.

**Council Reports:**

**Events – Councilmember Mattingly:**

Councilmember Mattingly reviewed the upcoming events:

Upcoming Events of Interest/Meeting Reminders:

Date	Time	Meeting
Saturday, August 19	6:30 PM-9:30 PM	So. Md. Heritage Consortium Barn Dance Fundraiser @ Jefferson Patterson Park
Wednesday, August 23	7:30 AM	Governmental Affairs Committee @ SMC Airport Conference Room
Wednesday, August 23	5:30 PM	Business After Hours @ SMC Library, Lexington Park branch
Friday, August 25 (or Friday, Sept. 1)	7 PM - 9 PM	Blues Jam on the Town Square College of Southern Maryland Guitar Club
Saturday, Sept. 2	8:45 PM	Labor Day Weekend Fireworks Display

@ SMC Fairgrounds (Gates open at 7PM)  
Rescheduled from July 4th rainout.  
(Rain date: Sunday, Sept. 3)

Saturday, Sept. 9	10 AM-3 PM	Fall Follies on the Town Square By the St. Mary's Crafts Guild
Saturday, Sept. 9	11AM-3 PM	North End Gallery Exhibition on the Town Square To celebrate 20 years in Leonardtown

**Capital Projects – Councilmember Collier:**

Councilmember Collier stated that the waterfront project is going well. They have a lot of the demolition completed and waiting on the pile driver crane to come in. Two bids to remove the additional pilings found have been received and will be looked into. Ms. Miller has not had an opportunity to look into this situation and will do so immediately to see what can be done.

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

**Grounds – Councilmember Combs:**                                      **No report**

**MML/SMMA – Councilmember Roberts:**

Councilmember Roberts reported that the next SMMA meeting is September 20, 2006 in La Plata. Ms. Miller commented that she has been asked to serve on the Communications Committee for MML.

Councilmember Roberts stated that we need to get our meeting dates out and our September, February and April are pretty straight but we need to come up with a date for the legislative dinner.

**Adjournment:**

**Mayor Norris entertained a motion to adjourn. Councilmember Wise moved to adjourn the meeting. Councilmember Mattingly seconded the motion, which passed unanimously. The meeting adjourned at 5:00 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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Thomas R. Collier, Councilmember

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Robert C. Combs, Councilmember

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J. Maguire Mattingly, III, Councilmember

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Leslie E. Roberts, Councilmember