

Commissioners of Leonardtown
Town Council Meeting Minutes
November 20, 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; Jackie Post, Fiscal Clerk;

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 October 9, 2006 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve the October 9, 2006 Town Council meeting minutes; Councilmember Collier moved to approve the minutes, seconded by Councilmember Wise; motion passed unanimously.

Mayor Norris asked Ms. Miller, Town Administrator, to bring the Council up-to-date on the zoning process for the approval of a temporary trailer at the Breton Market Place for Community Bank of Tri-County.

Ms. Miller reported that at today's Planning and Zoning Commission meeting, the Board approved a Concept Plan presented by Community Bank of Tri-County for a new building. They will be tearing down the old 7-Eleven building and the existing Community Bank building and building a larger building. While the construction is going on, there is a proposal for a 1,400 square foot temporary bank trailer to be located on the Breton Market Place site. Site plans are included in Councils' packets. This is a Council decision, as it is written in our zoning codes.

The temporary trailer is anticipated to be there from February 2007 to December 2007 until the new building is completed.

Mr. Wayne Davis commented that the building is located where the old gas station was in the old Mattingly parking lot. The trailer will have one drive thru window to allow the bank to keep their presence in Town.

Councilmember Collier asked if they had looked at any other empty retail spaces.

Mr. Davis replied that the bank wanted to continue to offer drive-thru services and that was not available with any retail space.

Councilmember Roberts inquired if they will put some nice landscaping around the site?

Mr. Davis responded that not right now but when they present the plan for the freestanding site, they will have a landscaping plan and signage presented for final approval.

Ms. Miller noted that the permits will be issued for a one-year time frame to meet their needs but they will not receive the permits until February 2007.

Councilmember Mattingly moved to approve the temporary trailer location at Breton Market Place for Community Bank of Tri-County for one year; Councilmember Wise seconded, no further discussion, motion passed unanimously.

Police Report – Deputy Maloy

Deputy Maloy reported that during the month of October there were seven arrests, twenty citations issued, eight warnings, and nineteen accidents handled by the Sheriff's office. Deputy Maloy commented that the accidents were high, which there are usually only around ten or eleven. He went back to look over the reports and most of the accidents were parking lot door dings, mainly at the hospital which has on-going construction and at Leonardtown Center.

Councilmember Roberts thanked Deputy Maloy for checking that for the Council.

Ms. Miller stated that we have received a few complaints from the future Tea Room occupant that a number of people are sleeping on the porch. These people are also hanging their clothes along the railing. Once the Tea Room officially opens this may not be a problem but would appreciate Deputy Maloy looking into this situation.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that in Council's packet is information for September and October. During the month, \$400,000 was transferred to the checking account, and as of October 31, 2006, we are 33% through the budget year.

The Financial Statement Audit has been completed. The auditor was not available to make the presentation today and has been scheduled for the December meeting. Financial statements and a summary will be provided for your review before the workshop.

We previously talked about getting back on track with the revision to the impact fees. To bring you up-to-date, at a previous council meeting, two ordinances were introduced, Ordinance #126 and Ordinance #127. These were written to codify the impact fee legislation and to change the timing of the payment for residential permits. Right now, we collect all those fees at occupancy permit. It was our intention to change the timing for collection of residential single-family building permit at time of building permit. These two Ordinances were introduced, but were not approved. Based on advice from bond council, which we have not worked through, we are going to need to re-introduce these Ordinances because we have missed the sixty-day window. Our Charter says, that if you introduce an Ordinance, you have sixty days in which to pass it. So we will have to re-introduce these and I propose we do that at the December meeting with a January approval date. There is a twenty-day window for referendum, so these Ordinances would not be effective until the fourth week of January. Concurrent with that, I should have updated cost information from the engineer for the design of the treatment project. I do not want to bring a number to the table unless I know we have the most recent cost information because that is the number upon which I calculate the impact fee, so although we were shooting for January 1 time frame to implement the new fee, it does not appear as if we will legislatively be able to meet that.

Ms. Miller stated that there are other issues that also need to be addressed and suggests a workshop be scheduled to work through these issues before the December meeting. She will coordinate a workshop date with Council.

Councilmember Collier commented that he would be in favor of a workshop and would like to have copies of the Ordinances to review.

Ms. Sothoron noted that she is limited to the amount of cash that can be in the bank to be fully collateralized. We have been able to meet all of our payment deadlines but it means spending more time making sure we don't break the law by having too much cash in our operating account in order to cut checks.

Councilmember Collier asked if this would just be a short-term scenario.

Ms. Sothoron replied that it depends on whether the streetscape project starts and the ENR project.

Councilmember Roberts inquired if that is by Federal or State law.

Ms. Sothoron responded that State law required it. The law addresses how much collateral the bank has to hold for us and instead of asking the bank to hold a million dollars in collateral for just one or two days which is a bookkeeping nightmare, I am trying to manage the cash flow instead of asking them to hold too much collateral for thirty days a month that they don't really need to pledge for us.

Councilmember Roberts asked if we have received any payments for the Wharf.

Ms. Miller responded that we did receive the first \$250,000, and we have submitted two more payment requests for \$700,000. Ms. Sothoron stated that we recently received one for \$311,000.

Ms. Miller stated that on the County Commissioners' agenda they have the Program Open Space application and we are to be reimbursed the appraisal fee and closing costs, which is over \$200,000. We are still about \$700,000 short. We do have some other grants in and anticipate one for \$200,000 but have not received any official word.

Planner's Report – Jennie McGraw

Ms. McGraw reported that at the Planning and Zoning Commission meeting held prior to today's Town Council meeting the Board heard from Community Bank of Tri-County regarding a new three-story building instead of the original one-story building that they had previously presented. They presented the new plan, which received Concept approval today.

The Board also heard a request for a Tudor Farm Subdivision which is a small parcel adjoining the Sunoco Station and Hayden Auto Supply. It is a small piece that was not part of the original Concept Plan and has no access into the property. As it is not being used and is just a small piece of property, they are dividing it in half for each adjoining property owner.

Town Administrator's Report – Laschelle Miller

Ms. Miller reported that the first item is an issue we have talked about before. Ms. Sothoron has put together a memo discussing funding for street lamps for the section of the streetscape project from Church Street down into the square and down Fenwick Street to Courthouse Drive and the balance of the area is out to Burchmart and Ryken. It is proposed to put in the bases and run the conduit for additional future lighting. Because we are asking them to put in streetlights that blend in with the rest of the Town, and the cost is more than what they allow in a streetscape project, there is an additional cost for sixty-four street lamps. The Town's portion would be \$77,000. Ms. Sothoron was going to look at the excess undesignated fund balance.

Ms. Sothoron remarked that everyone should have a copy of a memo dated November 7, 2006. The starting point for analyzing what is available in undesignated was the audited financial statement. So the first number I looked at is June 30, 2006 and the undesignated fund balance is \$662,734. I referenced page 14 of the financial statement, which is copied in the back. Since you don't have the full financial statements I copied the pertinent pages to support the memo. As part of the fiscal year 2007 budget, we approved utilizing prior year fund balance that would leave \$429,000 in undesignated, so the difference in what we actually experience and what we projected is \$233,000. That is a combination of additional revenue that came in, mostly interest income, and some things on the expenditure side. So if the Council desires to maintain a 50% reserve as undesignated fund balance you can look at our 2007 projected expenses of \$903,000, 50% of that rounded is \$450,000. You deduct that from our undesignated fund balance and we still have \$212,000 available for spending. If you can take out the street lamps estimate of \$77,000 you will still have \$135,000 available for spending.

Councilmember Roberts noted that that is still leaving the \$450,000 in the reserves.

Ms. Sothoron also stated that a copy of a recent article was given to Council, as this very same thing happened in a different jurisdiction and there are after-the-fact issues about who is paying for the street lamps.

Council all agreed that they wanted to do the right thing.

Councilmember Combs moved to approve the street lamps be funded using the undesignated funds; Councilmember Roberts seconded, no further discussion, motion passed unanimously.

Ms. Miller stated that there is a memo updating the Council on the streetscape water and sewer from Mark Grant. The project was put back out for bid. A pre-bid meeting was held this morning and two new companies bid. A few others are possibly interested. The previous sole-bidder has pulled out of the bid, strictly because they have been awarded another large job. The bid opening is December 21st.

Ms. Miller commented that the next item is Ordinance No. 128 and referred to Ms. Sothoron.

Ms. Sothoron stated that Council should refer to the memo dated November 15. Things have changed from the last time we met. It was my intention to keep this on the agenda until we had the new bids in and knew this project was moving forward. Because of the sixty day window in which we had to introduce and adopt an ordinance, if we did not adopt the ordinance today, we would be forced to re-introduce it today and then adopt it in December so that everything still falls in place timing wise and we would have the ability to finance the project if the contract needed to be awarded in January. That is what the engineer is recommending. Bids will be open December 21st and we will have an analysis from the engineer and will either have a company that we will recommend or the price will still be too high and we will have to regroup. I did not see any purpose in not approving the ordinance today and just reintroducing and approving it in December because we will still not have the bids by the December Council meeting. There is no commitment upon approving this. It gives the Council the authority to issue the debt. If you are more comfortable, Bond Council has said you can revoke this ordinance or it can just languish.

Councilmember Collier asked regarding the dollar amounts shown, do we have to do anything to adjust them? Does it put us in the sixty-day window?

Ms. Sothoron replied that it would. We put in the maximum ceiling that the Town could afford, and looked at how it will affect the rates, we put in a little bit of cushion but not a lot, because we did not talk about rates going higher than 1.2%. A resolution would come back to fit the details of how much we would have to borrow, from whom and the term. This is just a maximum amount not to exceed.

Councilmember Collier moved to approve Ordinance 128; Councilmember Combs seconded, no further discussion, motion passed unanimously.

Ms. Miller remarked that we are proposing an executive session for possible litigation and also land acquisition.

Council Reports:

Events – Councilmember Mattingly:

<i><u>Date</u></i>	<i><u>Time</u></i>	<i><u>Meeting/Event</u></i>
Friday, Nov. 24	5 PM-9 PM	Christmas on the Square & Tree Lighting
Friday, Nov. 24	9 AM-9 PM	SMC Festival of Trees
Saturday, Nov. 25	10 AM-3 PM	@ Bell Motor Co. Showroom
Sunday, Nov. 26	Noon-6 PM	
Wednesday, Dec. 7	6:30 PM	SMMA Annual Legislative Dinner @ LaPlata
Sunday, Dec. 9	5:30 PM	Hospice Tree of Light Ceremony @ St. Paul's U. M. Church
Monday, Dec. 11	6 PM-9 PM	Town Christmas Party Open House @ Café des Artistes
Tuesday, Dec. 12	9:00 AM	Chamber Tourism Meeting @ SMC Airport Conference Room
Wednesday, Dec. 13	5:30 PM	Chamber Business After Hours @ Maryland Antique Center
Wednesday, Dec. 13	6:00 PM	MML Legislative Dinner @ Café des Artistes
Saturday, Dec. 16	11AM-1PM	Santa & Mrs. Claus on the Town Square

Ms. Miller stated that the MML Legislative dinner invitations will be going out and then the Town Christmas party invitations will follow.

Mayor Norris remarked to Councilmember Mattingly that the Veterans Day parade was very well done and well attended. Councilmember Mattingly agreed.

Grounds – Councilmember Combs:

Councilmember Combs reported that he has a bid in for a bridge to cross the run at the Port of Leonardtown. It is in the dollar amount that we have to have for competitive bids. We have one for approximately \$60,000 to \$70,000 and would like to know how we will proceed. He also talked to Tom McKay about getting some money from the County of the money that they have promised us.

Ms. Miller remarked that there are a few issues that require the appropriate approval. We have not received approval from DNR to say we can definitely do that. There is an understanding that the County money was specifically approved for the building, it would have to go back before the County Commissioners for approval. They talked about doing the building modifications to get the coop started so I think that will have to be cleared up as far as how that money was approved. I will do some checking into this.

Streets and Roads – Councilmember Wise: No report

Capital Projects – Councilmember Collier:

Councilmember Collier reported that the waterfront project is coming along, back filling the steel pilings; the wood pilings have been going in for the restrooms, buildings and the walkways. They are quiet this week due to a bridge rescue that is collapsing at another site. Our new Well is progressing and should be operational the week after Thanksgiving. If all goes well with the water test, it should go online shortly after. We also had a minor project on Washington Street fixing the storm water drain where it cuts across Washington Street at Camalier Street. I would like to see some funding put in the budget for some follow up work to finish that project to stabilize it and also place it on our maintenance plan to deter further clogs.

Ms. Miller commented that we have a grant approved for \$25,000 from MDE that could take care of some of that, we do have approvals on it; it is for storm water and correcting that area down there and will take a look at it.

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that the MML Legislative Dinner will be held in Leonardtown on Wednesday, December 13 at Café des Artistes and hopes the Council will all attend. There are three legislative issues, La Plata will report on the Police Force, Indian Head will report on the Electric Opt-Out and Mayor Norris will report on Streetlights.

Ms. Miller remarked that we received the Outstanding Project Award from the Maryland Chapter of the American Planning Association for the Redevelopment and Revitalization of Leonardtown. Ms. Dimsey attended to represent Leonardtown to receive the award and I did receive a couple of emails from some State officials congratulating us. It was disappointing that we did not have any elected representation but happy that Ms. Dimsey could accept on our behalf.

Adjournment:

Councilmember Collier moved to adjourn the meeting. Councilmember Mattingly seconded the motion, which passed unanimously. The meeting adjourned at 4:45 p. m.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Walter Wise, Vice President

Thomas R. Collier, Councilmember

Robert C. Combs, Councilmember

J. Maguire Mattingly, III, Councilmember

Leslie E. Roberts, Councilmember