



Commissioners of Leonardtown

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J. HARRY NORRIS
Mayor

LASCHELLE E. MILLER
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **January 14, 2008 ~ 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; Rebecca Sothoron, Town Treasurer; DeAnn Adler, Plans Reviewer; Teri Dimsey, Recording Secretary; Howard Wathen, Videographer; Linda Chakales, Resident; Maria Perrygo, Bill/Diane Battaglia, Do Dah Deli; Mike/Debbie Mummaugh, Paragon Properties; Tom Wilkinson, St. Clement's Medical; Darren/Balbina Meyer, Resident Academy Hills; Dorian Lassiter, Resident; Tom Vanderhoof, Resident Academy Hills. 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 December 10, 2007 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve the December 10, 2007 Town Council meeting minutes; Councilmember Mattingly moved to approve the minutes as corrected; seconded by Councilmember Collier; motion passed unanimously.

Mayor Norris stated that there is a Public Meeting today at 4:15 p.m. and will move forward on the agenda to **Do Dah Deli Liquor License Letter of Support** request.

Ms. Miller commented that in their packets is a letter from the Battaglias requesting an onsite liquor license for alcohol sales at their restaurant. The owner is here today to answer any questions.

Councilmember Roberts inquired about the wine tasting concept.

Ms. Battaglia responded that is not really on the forefront. Mr. Guenther approached us about hosting wine and liquor tastings inside the Deli but it has only been talked about. Our focus is only for the Deli to provide alcohol for catering purposes and for our patrons to generate more business.

Councilmember Combs noted that the council members were not objecting to Do Dah Deli obtaining a liquor license but we were not in favor of Mr. Guenther's plan for his request for support of a liquor license and are concerned about his utilizing your facility for his purposes. I suggest you mention his request when you go before the Alcohol Beverage Board.

Councilmember Roberts moved to approve sending a letter of support for a liquor license for Do Dah Deli to the Alcohol Beverage Board; seconded by Councilmember Wise, no further discussion, motion passed unanimously.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that the packets include the December financial information. During the month I transferred \$150,000 to the checking account and the income statement is attached. We are 50% through the budget year. There are a few line items I am watching specifically in the treatment plant and the collection system and the water system, our maintenance expenses are a little bit ahead of where they should be this time of year. I may have to bring a budget amendment to the table.

Councilmember Roberts asked what is included in the Admissions and Amusement Tax.

Ms. Sothoron responded that for years she has been trying to work with that agency. It is intended to be the gross receipts tax on any coin operated machines and we are supposed to get a portion of that. There is some disagreement as to whether there is proper accounting at the State for that and I have been trying to work with them to ensure we are getting our fair share but we are not getting someone else's.

The budget calendar is on the table and will need to be approved by Council. Specific requests are due to me by February 8th. The Council members agreed on the dates for the budget calendar.

Ms. Sothoron noted that she handed out a printout off of the State of Maryland website regarding the Homestead Tax Credit Application. There is a new procedure for owner-occupied residents to apply for the tax credit and I asked Ms. Dimsey to place some information on our website about the Homestead Tax Credit and a link to the State of Maryland. Copies of the application form will also be placed in our reception area but we will not accept any applications, they will be referred to the Baltimore office. This applies only to those folks who received an assessment notice and are in this year's cycle. You do not have to apply this year but only if you received a new assessment.

As a reminder, the Town's Homestead Tax Credit Rate is 10% and in FY08 the total discount across all tax accounts was \$7,063 and there were 213 accounts that applied at 10%.

We are anticipating that the County will do some outreach and we will wait to see if any additional outreach from us will be needed.

Police Report – Deputy Cindy Allen

Ms. Miller reported that Deputy Allen is in training and we did not receive a report. When Deputy Allen provides us with the report, a copy will be placed in the Council’s mailbox.

4:15 p.m. Close Town Council Meeting – Open Public Hearing:

Mayor Norris entertained a motion to close the regular Town Council meeting and open the Public Hearing.

Councilmember Wise moved to close the regular meeting and open the Public Hearing; seconded by Councilmember Collier, motion passed unanimously.

Mayor Norris opened the Public Hearing.

Ms. Adler reported on the details:

Case # 45-05 Ellenborough Ridge – Medical Office Park – Request for Revised Concept Approval

Owner/Developer: Ellenborough Ridge, LLC
Contractor/Applicant: Mr. Wayne Davis
Engineer: Mehaffey & Assoc., PC
Zoning: PUD (Part of Academy Hills PUD)

Enclosed please find:

- Historical information regarding this project:
 - 9/20/04 P & Z Minutes for Proposed Hotel on the Site
 - 10/11/04 Town Council Minutes for Proposed Hotel – denied
 - Written Concept Plan for a Proposed 2 Building Medical Office Site – proposed in 2005
 - 4/25/05 P & Z Minutes
 - 5/9/05 Town Council Minutes - approved
- New proposed site plan - concept drawing
- Elevation plans proposed for the new building (for Comment)

This is a 2-acre commercial site, with quite steep slopes, located on the southerly most corner at the intersection of Cedar Lane Road and the Leonardtown bypass. It was part of the original Academy Hills PUD plan and always designated as a future commercial site. In May of 2005 Town Council approved a concept plan for this parcel. This concept plan consisted of two phases in which two office buildings would be built. The first was to be a medical office building, essentially a one-story brick and frame structure, but with a small second floor library (700 s.f.) and a half basement (3,000 s.f. – unfinished, for storage), the main floor footprint was to have been 3,800 s.f. The second building was to be a two-story brick and frame structure of about 8,000 s.f. total. The total square footage for the project was to be 12,500 s.f. of finished space and 3,000 s.f. of unfinished basement (located in the first building). The buildings were to have architecture similar to their neighbor,

Ellenborough, which is a historic site. The buildings were to have a residential look, with a covered front porch and monument windows with brick similar to the Leonardtown Courthouse of the 1930's.

The applicant has now brought a new concept plan for review. This plan consists of one building, 13,200 s.f., with 44 parking spaces as required. (See the site plan and elevations enclosed). The 50' Point Lookout Rd. buffer will be maintained.

I have included a section of the Town's Code; Section ~155-23, regarding Mixed-Use PUD's, which should be brought to your attention: specifically 0.1

O. Site planning for commercial uses: internal relationships. Commercial buildings shall be so grouped in relation to parking areas that after customers arriving by automobile enter the shopping center, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for deliveries, servicing and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles shall be so located and arranged as to prevent interference with pedestrian traffic within the center.

(1) Sites should be developed in a coordinated manner to complement adjacent structures through placement, architecture and size or mass. **Where possible, commercial uses requiring floor areas in excess of 10,000 square feet should be designed to appear as several distinct, albeit attached, structures, each with a floor area no greater than 6,000 square feet to reduce the visual impact of a single larger building mass in keeping with the scale of existing structures in Leonardtown.**

Staff Comments:

- Case # needs to be added to all future plans.
- As the 10/11/04 Town Council minutes reflect, having a use on this parcel that was residential in character was important to the adjacent neighbors. Also the architecture of the original Ellenborough Ridge approved concept plan matched that residential character.
- For each 10 spaces, in a row of parking, an interior planting bed island is required as per Leonardtown Code section 155-54 (3). This is not provided on this site plan.

Excerpt from the Minutes of the Planning and Zoning Meeting on Dec. 17, 2007:

Mr. Wayne Davis, contractor, came forward to brief the Members on the changes in the project. He explained that there have been a number of changes. The concept of the two buildings the way it was done earlier, did not take into account some of the easement issues that have since been found on the site. Also, the business has grown considerably and doubled, which facilitates building a much larger building than previously planned.

The Members asked a few questions regarding the PUD, the size of the building and maintaining a residential look.

Chairperson Moulds remarked that her main concern is that it looks like a big medical building similar to those around the hospital whereas this sits more in a residential area and it would be nice to have it blend in better.

Member Fearn noted that if they could change the roof from an architectural roof to a shingle roof that may blend in better.

Member Candela agreed that he would prefer it to have a more residential look than a commercial building.

Ms. Adler stated, that as with Dr. Luke's case, the architectural comments need to be addressed when the plan comes back for final site approval.

Member Fearn moved on Case #45-05 to forward a favorable recommendation to the Town Council; Member Burris seconded, no further discussion, motion passed unanimously.

Action Needed Today by Town Council: Applicant is seeking concept site plan approval. The Town Council can approve, approve with conditions, deny or delay decision.

Mr. Wayne Davis stated that both he and Dr. Wilkinson are present today. Mr. Davis presented a brief overview of the changes from the original concept plan from two buildings to one building so that Dr. Wilkinson can increase his square footage to expand his present medical practice. The design has changed from a more commercial nature to a more traditional design, per comments from the Planning and Zoning Board to have a more cohesive look with the surrounding residential area. Due to SHA requirements, we do have to go further up for a drive and we are working on managing the steep slope with grading and maintaining the forestry buffer.

Mayor Norris asked for any questions from the floor.

The Council members asked questions regarding the grading, the street and forestry buffers. They also were concerned about the building's architectural elements to blend in with the residential area.

Councilmember Mattingly inquired if he should abstain due to Dr. Wilkinson being his personal physician. I am comfortable with making a decision but wanted to make sure it was noted for the record.

Mayor Norris responded that if you feel that you can make a decision not compromised by family/doctor relationship.

Ms. Miller read an email from Robin Jones, an Academy Hills resident that is also included in the Council's packet:

"I am writing in reference to the hearing scheduled in reference to the Doctor's office building and tenant building that will be located next to Academy Hills. This business will be located right in my back yard. I was not notified and will be able to see it from my property. I understand that your office made sure to notify people on the first street of the community. I believe that a doctor's office
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can only add value to the community that I live however; I'm a bit worried about what type of tenant this builder is planning on bringing in. My concern is that if a tattoo parlor or cheap liquor store goes in, what type of people will meander into my back yard. I am unable to attend the hearing but would like to hear back from someone. I would believe that the people on the first street of my community as well as me would appreciate a fence going up that would keep stray people from trespassing onto our property. Again, my concern is about the type of tenant and service they would offer and the people that would visit the facility."

Dr. Wilkinson responded that his plan is to expand his medical practice and to take on some type of specialty care to integrate with his practice and not retail type businesses, so it will likely be all medical type businesses. In regards to the fencing, if the neighbors would like that, I would certainly be in favor of doing a fence but we had previously talked about a pedestrian cross walk from the neighborhood to Cedar Lane Court. I would go either way depending on what the neighbors would prefer.

Mayor Norris asked if within the PUD if this is a commercial office how strict are the requirements.

Mr. Meyers, an Academy Hills resident, asked to review the PUD requirements.

Ms. Miller responded that it does not spell it out in the PUD for commercial office. It states: *"the permitted uses are offices and office buildings, medical and dental office buildings, a clinic, public utility building, semi-public and institutional uses such as but not limited to: service clubs, fraternal orders, boy and girl clubs, religious institutions, schools, business, art or other commercial nature except trade schools and off-street parking for motor vehicles within a use consistent with need not to be enclosed."*

Mrs. Meyers, an Academy Hills resident asked how many feet is the building property line to the first house in Academy Hills and what type of landscaping will be provided to shield the building from view.

Mr. Davis responded it is just less than 100 feet and once the grading is complete, specific landscaping, along with some tree buffering, will be done, depending on the outcome of adding a fence or a pedestrian walkway.

Councilmember Roberts asked if anyone else from Academy Hills was in the audience and wanted to say a few words.

Mr. Meyers stated that he doesn't necessarily like the pedestrian walkway as it limits his privacy and would prefer to have separation.

Ms. Adler mentioned that there are a few items that are in the PUD code that you should be aware of.

- Our code reads "where possible commercial uses requiring flooring in excess of 10,000 sq. ft. should be designed to appear in several distinct attached structures in each of the floor area of

no greater than 6,000 sq. ft. to reduce the visible impact of a single larger building mass and in keeping with the scale of existing structures in Leonardtown.

- Large buildings should use modulation, defined as the measured setback or offset of the building face to reduce overall bulk and mass. The planes of the exterior walls should not run in one continuous direction for more than fifty or sixty feet without an offset or setback. Offset should be a minimum of three to five feet.

Mayor Norris noted that the Academy Hill Homeowners Association is still in the beginning stages but I have spoken to some of the active residents, such as Dawn Frock and Kris Kraus to help us get out the word to the residents so that they are not surprised to find that the original concept has changed.

Councilmember Combs stated that we would keep this open for so many days for additional comments but I will say that I also like this new concept plan much better than the original version as it incorporates many traditional architectural elements and blends in with the surrounding residential area. It should include multi-rows of trees for better buffering.

Mrs. Meyers interjected that she would like them to consider planting more mature trees for a more defined separation.

Councilmember Roberts agreed with Councilmember Combs that this plan is much more suited for this expansion than the original concept plan of two buildings.

Mayor Norris remarked that we will leave it open for additional comments until the next meeting and entertained a motion to close the Public Hearing.

Councilmember Roberts moved to close the Public Hearing and keep the public comments open for the next three weeks and to resume the regular meeting; seconded by Councilmember Mattingly, motion passed unanimously.

Mayor Norris opened and resumed the regular Town Council meeting and asked Ms. Adler for the Planner's Report.

Planner's Report – DeAnn Adler

Planning and Zoning Meeting – December 17, 2007

Last month our Planning and Zoning meeting was held on December 17, 2007. We had 3 cases to be heard that day, they were:

Case # 86-07 Branden and Stacey Farthing – Request for a BOA hearing for a deck to be built 5' past the building restriction line in the back yard of their home in Academy Hills. A favorable recommendation was sent to the Board of Appeals regarding this variance. A Board of Appeals hearing is scheduled for January 22, 2008.

Case # 45-05 Ellenborough Ridge Office Building – Request for revised concept approval at the Academy Hills commercial parcel. A public hearing was held today regarding this project.

Case # 92-07 Dr. Luke Office Building Expansion – Request for concept approval of plans to expand an existing medical office on Point Lookout Road. Request was approved, but there were some concerns voiced over the architecture of the building. These concerns will need to be addressed at the final site plan approval stage.

Upcoming Planning and Zoning Meeting – January 22, 2008

Our next P & Z meeting will be held on January 22, 2008 but may be cancelled due to required case information not available in time until the February 19th meeting.

Also the Mayor has asked me to make a list of the non-conforming, temporary signs and banners currently up around the town, after this list is made, I will be bringing it to Town Council for your review.

Town Administrator's Report – Laschelle Miller

WWTP Expansion/Upgrade- On January 4, 2008, Ms. Sothoron, Mr. Johnson and I, along with Stearns and Wheeler, met with MDE to lay out where we are with the expansion of the WWTP and the upgrade to determine how we need to proceed. Based on a number of things, one being not having as much pressure from development, due to the housing market, to have to move forward as quickly as we previously had. It was a very positive meeting and they recognized that we have done a lot of planning and preparation. They did assure us that we would have to have a guaranteed revenue source in place before we would be approved for the loan for the expansion which we have been working towards with the three large developments and right now only one of those is moving forward. At this time we are going to have to delay the expansion and MDE did agree to not push us to move forward with the upgrade prior to the expansion so we did not have to go through two large projects at separate times which would be more costly. We did receive a letter from MDE; we have to provide them a schedule of what we anticipate as far as moving forward.

Appointment of Election Judge- Prior to each Town election the Town Council appoints a judge to preside over the election. Ernie Bell has presided for many years. A letter requesting his assistance will be sent to him if the Council agrees.

Council members agreed to ask Mr. Bell to preside as Election Judge for May 6, 2008 election.

Bowles Farm Snow Removal Contract Renewal- At the December 10, 2007 Town Council meeting the Bowles Farm contract was granted the final two year extension. Mr. Bowles had requested the possibility of a 5% fuel surcharge if fuel costs continue to rise. After going back to Mr. Bowles and asking for clarification as to how he requested that this be calculated, they have proposed dropping the fuel surcharge with a renewal of three years instead of two. The Town Council can authorize this holding the current prices and acknowledging that this is one extra year over the original bid term. Request letter is attached.

Councilmember Collier moved to approve the Bowles Farm Snow Removal Contract extending the contract an extra year over the original bid contract term; seconded by Member Roberts, no further discussion, motion passed unanimously.

Mayor Norris asked to excuse himself to step out of the meeting and turned the meeting over to Vice President Wise to continue the meeting.

Award Contract for Parking/Traffic Study for Leonardtown Landing- As a result of the Council's request at the November 13, 2007 meeting, an RFP for a parking and traffic flow study was sent out to five firms. A copy of the RFP is attached. Several proposals were received. If the contract is awarded at this meeting, the project should be completed within 6 weeks per the RFP.

Bids Were Received As Follows:

Lenhart Traffic Consulting, Inc.	\$7,500
Desman Associates	\$19,220
Sabra, Wang and Associates	\$29,500

Councilmember Collier reported that after reviewing the three proposals the recommendation to the Council is to award the contract to Desman Associates. They have previously done work for the Council, are familiar with the Town and their proposal included information oriented more to what we are looking for, however, I would recommend that they begin work but put Tasks 8, 9, and 10 on hold as we do not need this information at this time but have the option to complete those tasks at a later date. This would reduce the price to \$14,580.

Councilmember Collier moved to award the contract to Desman Associates for \$14,580 after putting Tasks 8, 9, and 10 on hold; seconded by Councilmember Roberts, no further discussion, motion passed unanimously.

Bupp and Deaderick- Last month you heard from Ms. Bupp and Mr. Deaderick asking for a reconsideration of the offer that we made to them for the sewer issue. Now that you have had an opportunity to review their DVD, do you want to reconsider or make any changes to our original offer?

Councilmember Mattingly stated that the original offer was fair and did not see any reason to change it.

Council members came to a consensus to stay with the original offer.

Pedestrian Markers- Mr. Dan Burris, Leonardtown Business Association, has received numerous requests for some type of pedestrian signage or markers from the SHA that can help with slowing traffic down in high pedestrian areas, such as the Post Office. We have been unable to get a crosswalk at the Post Office until SHA turns the road over to the Town but the idea is to obtain some signage such as the type they use at the Old Cecil's Mill. We can explore various options that are available and come back with some suggestions.

Stale Projects- Per the request from Council last month, staff reviewed all of the concept plans, final site plans and approvals, and building permits to see which ones have expired. We have put a list together and what we are recommending is that the concept and final site plans will have to go back through the process for renewal, the building permits will be given a 30-day grace period since they were never notified and give them the opportunity to renew their permit. We will send letters out to everyone and we now have new software in place for better tracking.

Council members agreed to this plan and procedure.

Council Reports:

Events – Councilmember Mattingly:

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Monday, Jan 21		Town Office closed
Monday, Jan. 21	8:30 AM	So. Md. Martin Luther King, Jr. Prayer Breakfast @ St. Mary’s College Campus Center
Wednesday, Jan 23	5:30 PM	Chamber Business After Hours @ Compass Pointe Real Estate 42120 St. Andrews Church Rd., Leonardtown
Saturday, Jan. 26	6:30 PM	Leonardtown Vol. Rescue Squad Dinner & Installation of Officers and Award Banquet @ Fire House
Wednesday, Jan. 30	11:30 AM	Chamber Membership Luncheon @ Outback Steakhouse (RSVP by Jan. 25 th)
Thursday, Feb. 7 & Friday, Feb. 8		Maryland Mayors Association Conference @ Loews Annapolis Hotel
Wednesday, Feb 13	8:30 AM	Southern Maryland Historical Society
Thursday, Feb. 28 th	7-10 PM	Southern Maryland Legislative Reception @Loews Annapolis Hotel

Grounds – Councilmember Combs: No report

Streets and Roads – Councilmember Wise: No report

Capital Projects – Councilmember Collier:

Councilmember Collier reported that all is quiet at the Wharf. They will be testing the new pump station sometime this week.

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that she attended an Opening Reception for the Maryland Legislators hosted by MML and did get a chance to speak with Governor O'Malley and invited him to our 300th Anniversary and opening of the Leonardtown Wharf. The next SMMA meeting will be held on the third Wednesday in March in La Plata. Last year I did attend the Martin Luther King Jr. prayer breakfast and plan to do so again this year. I also plan to attend the Southern Maryland Legislators Reception if anyone is interested in joining me for either or both of these events.

Councilmember Wise noted that there were some folks in the audience and asked if they wished to speak.

They explained they are residents and had attended a meeting last August and had planned to come back, not just to share any concerns, but to become informed about the Town's business.

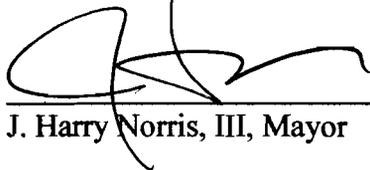
Adjournment:

Councilmember Collier moved to adjourn the meeting. Councilmember Mattingly seconded the motion, which passed unanimously. The meeting adjourned at 5:15 p. m.

Respectfully Submitted:


Teri Dimsey, Recording Secretary

Approved:

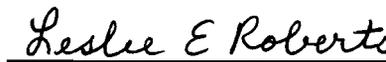

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