



Commissioners of Leonardtown

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J. HARRY NORRIS
Mayor

LASCHELLE E. MILLER
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **August 11, 2008 ~ 4:00 P.M.**

Attendees: J. Harry Norris, Mayor
Walter Wise, Vice President
Dan Burris, Councilmember
Thomas Collier, Councilmember
Robert Combs, 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; Jackie Post, Fiscal Clerk; Mike/Debbie Mummaugh; Jean Alvey, Resident; Priscilla Hall, Resident, Joseph Mitchell, Attorney; Joe Slater, Tom Russell, George Hayden, 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 14, 2008 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve July 14, 2008 Town Council meeting minutes; Councilmember Roberts moved to approve the minutes; seconded by Councilmember Collier; no further discussion, motion passed unanimously.

Councilmember Wise asked for the Treasurer's Report.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that Council had in their packets the July financial information. During the month, two transfers were made between bank accounts which netted to \$0. We are 8% through the budget year. The building permits and occupancy permit revenue are very high for July and the real estate revenue will be recognized in August. The tax bills are printed and will begin being mailed out; we have almost 1,000 accounts this year.

Two days of preliminary audit work is scheduled for the end of August. There are additional procedures that are required this year, they will come early and then return in September.

On today's agenda is the approval of the Trash Service Charges. These will be effective July 1, 2008. Because we bill in arrears, these rates will show up in the September 30 invoice. The CPI data did reveal a 5% Cost of Living Adjustment since last June. The contract maximizes the escalation clause at 3% for the trash contract. I calculated a 3% increase for the rates we will pay Goode Trash Removal. I also had to calculate the corresponding 3% increase for the service charges. This requires approval from Council.

Member Burris inquired how staff calculates the number of people who use a particular dumpster if commercial is based on per yard.

Ms. Sothoron remarked that there are several places in Town that share containers. When the contract was bid, we did an audit to identify exactly which customers were using which containers. We added up what we were billing those customers and compared to the service provided and in almost every case we were within one or two yards. We feel comfortable that those who are using the dumpster are properly accounted for but, we cannot account for those that drive by and dump trash into containers. We have had requests from customers for locking dumpsters and in most cases it works and some it does not.

Member Burris asked about the procedures to use when viewing illegal dumping.

Ms. Sothoron responded that we have told customers to try and obtain a tag number, provide that to the Town staff who will inform the Town's Deputy. It is really a self policing type of issue, neighbors need to help neighbors.

Member Roberts moved to approve the new trash service charges presented by Town Treasurer, Ms. Sothoron, effective July 1, 2008, seconded by Member Combs, no further discussion, motion passed unanimously.

Planning Department – Laschelle Miller

Ms. Miller reported that there are several public hearings scheduled for the upcoming Planning and Zoning meeting. Two rezoning cases are to be heard, Courthouse Drive from CO to CB and a Greenbrier Road property from RSF to RMF. A public hearing is also scheduled for the Text Amendments for the Recreations and Parks zoning district to allow wineries as an authorized use and a variance request from St. Mary's Hospital for a fourth floor expansion.

Police Report – Deputy Simonds

Ms. Dimsey reported that Deputy Simonds was unable to attend today's meeting but did submit a police report detailing the past month's activities.

Decision - Case 71-07 - Rezoning of Map 127, Parcel 254 - Wentworth/Breck Property - from PUD to RMF

Mayor Norris stated that this was presented at the November 13, 2007 Town Council meeting and the decision was tabled at that time. Council members asked for an update to review the information which they received and we are hoping for a decision today.

Member Collier moved to deny the rezoning request, Member Burris seconded, no further discussion. Member Wise abstained; motion denied, four ayes, one abstention.

Town Administrator's Report - Laschelle Miller

Winery Update

Ms. Miller reported that we have contracted with a Mr. Tom Payette, who was highly recommended as a wine consultant. He will be looking at their drawings to make sure the Co-Op has all the equipment they will need for the types of grapes that they will be growing to offer the best end product wine. The Town, County and State officials all had an opportunity to review his credentials and approve his contract. We also went with the construction management consultant that the county has under contract, CSBI, Mr. Chris Bologna.

Sign Ordinance Revision Discussion

Ms. Miller stated that at last month's Planning and Zoning Commission meeting, Community Bank of Tri-County came before the members for a recommendation on the variance for using an LED sign, a picture is included in your packet for your review. The members previously tabled this request and had asked that staff look at the entire sign code and recommend how we want to handle these types of signs. Your packet contains information on various codes that were researched using St. Mary's, Charles County and Calvert County codes. Direction is needed from Council if revisions are needed before bringing the ordinance back for approval.

Member Collier commented that this is new technology and we do need to address it.

Member Burriss remarked that he agrees with the sign image stabilizing for five seconds and not just a flashing type of sign.

Member Collier suggested we wait to see what guidelines the county decides on and then decide if we want to use similar guidelines in our sign ordinance.

Ms. Miller noted that the Planning and Zoning Commission members asked that Council provide them with some direction.

Councilmember Roberts inquired how this affects the Community Bank's sign.

Ms. Miller responded that they have built the frame for the LED sign but will leave the LED portion empty until a decision is made. If they do not receive approval for an LED sign they will proceed with placing a magnetic letter sign which meets our sign ordinance regulations.

Councilmember Roberts commented that her fear is that if this type of sign is approved for the bank that it may encourage more signs of this type and we already have a problem with illegal signage. It is also a hazard by distracting drivers on a busy highway.

The Council members Roberts, Collier, Comb and Wise stated that they are not in favor of changing the sign ordinance at this time. They would prefer to wait to hear how the county proceeds and staff has had an opportunity to make further recommendations.

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

Councilmember Collier moved to close the regular meeting; Councilmember Roberts seconded, motion passed unanimously.

PUBLIC HEARING - Mayor Norris opened the Public Hearing at 4:38 p.m.

CASE # 48-08 – SMECO Property at Map 121, Parcel 61 from RSF to C-B

Mayor Norris stated that this is a rezoning request from RSF to C-B. In discussions, the existing SMECO building is zoned C-B and we understand that your request would be to match your current zoning. We believe this may have been an improper zoning designation and it should have been an I-O district. We are concerned in regards to changing zoning to additional commercial business in that area which opens up potential changes, therefore, we request that you go back and ask for a rezoning for the entire parcel to I-O.

Mr. Joe Mitchell, attorney representing SMECO, remarked to Mayor Norris that they are correct. The original rezoning request was to rezone a two and a half acre parcel currently zoned for five residential lots to the same zoning that SMECO had on its other parcel.

Mr. Mitchell introduced Mr. Joe Slater, SMECO CEO, along with Mr. Tom Russell and Mr. George Hayden also with SMECO.

Mr. Slater provided a brief overview of the SMECO office which has not changed since 1979, to today. SMECO has doubled in size over this 30 year period. There are not enough adequate facilities to maintain the growth. We will be coming back before the Council for building improvements and expansion but this particular parcel is ideal for us to alleviate some traffic congestion for our work vehicles and provide more safety for employees and pedestrians. This is particularly important when we have storm events and need to marshal large groups of trucks and people, from out of the service area that come in to help us. We are hoping with this approval we can increase the access and egress with the addition of a new roadway into the yard and also additional parking that we need.

Mr. Mitchell provided Council with boards showing the various site plans which Mr. Slater reviewed and described the plan for development.

Mr. Russell provided more details about the plan to landscape and buffer as an effective screen to the residential area on the back portion of the parcel.

Councilmember Combs inquired about their plans for storm water management.

Mr. Russell explained that they will address the storm water issues covering the entire parcel to help ensure this is not a problem for the connecting parcels.

Councilmember Collier noted that Mr. Davis had brought to Council's attention that the original storm water drainage system was not properly done at that time.

Mr. Slater remarked that they will address all of the concerns expressed by Council and those of their neighbors. They will bring this forward when they come back before Planning and Zoning with their Concept Plan.

Mr. Mitchell provided a brief overview of the zoning changes in and around the surrounding area. Therefore, taking this all into consideration, they are changing their rezoning request from RMF to I-O and are asking Council to send a favorable recommendation back to the Planning and Zoning Commission for this request.

Mayor Norris consulted Mr. Phil Dorsey, Town Attorney and asked if this would be appropriate.

Mr. Dorsey remarked that they have two options for the rezoning request but they should be able to keep moving forward on their concept plan as they work through the rezoning change.

Mayor Norris asked if there were any objections to this request.

Councilmember Combs commented that as long as they worked through the storm water and landscaping/buffering issues he had no objections.

Ms. Miller stated that they will need to start the process, we would advertise it for the September Planning and Zoning and it would come back before Council for a final decision at the October meeting.

Mr. Dorsey noted that there is language under the code in Section D regarding public utility installations which may be used to determine if it meets the I-O zoning request under the Comprehensive Plan.

Mr. Mitchell reiterated that Council agrees we can move forward on the site plan, recognizing that a portion of the site can remain RSF until the Comprehensive Plan rezoning process begins in a few weeks.

Councilmember Collier moved to close the public hearing on Case # 48-08 – SMECO Property at Map 121, Parcel 61 from RSF to C-B; seconded by Councilmember Burris, motion passed unanimously.

Mayors Report

Mayor Norris commented that there were thousands of people lined up along Hollywood Road and Rt. 5 going North all the way up to Waldorf to show their respect for Sgt. Baumann, a soldier, killed in Afghanistan, who was from St. Mary's County. It was a sad day but a very touching scene.

The Beach party was a great success with a few thousand folks in attendance. The Commemorative Cookbook was presented that day and volunteers worked the LBA booth and sold approximately 40 cookbooks and the week after Beach Party many folks came in to purchase more.

Events

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Wednesday, August 13	8:30 AM	LBA Meeting @ Town Office
Saturday, August 16	9:00 AM	CSM Super Saturday @ Leonardtown Campus
Wednesday, August 27	5:30 PM	Hosted by Compass systems, Do Dah Deli, and GTMR in the Compass Systems building located at 21471 Great Mills Road in Lexington Park, MD.
Saturday, August 23	6-9 PM	Downtown Tunes featuring Bent Nickle, Geezer and 25 th Hour Band.
Saturday, Sept. 13	10 AM-3 PM	Fall Follies on the Town Square By the St. Mary's Crafts Guild
Saturday, Sept. 13	NOON – 5 PM	Leonardtown Wharf Waterfront Celebration
Tuesday, Sept. 16	11:30 AM	State of the County Luncheon @ JT Daugherty Conference Center. Contact Chamber to RSVP
Saturday, Sept. 27	9:00 AM	5K Walk in Leonardtown to benefit the St. Paul de Vincent Society of St. Aloysius Church
Sunday, Sept. 28	NOON – 5 PM	Taste of St. Mary's County in Leonardtown Square
Wednesday, September 10	8:30 AM	LBA Meeting
September 18-21	3 PM – 9 PM, Thurs. 9 AM – 9 PM, Fri, Sat. 9 AM – 6 PM, Sun.	St. Mary's County Fair

Capital Projects – Councilmember Collier:

Councilmember Collier reported that the picnic tables are in place at the wharf and look great. There is still an erosion problem on the far side and is eroding the area around the lamp post.

Parks – Councilmember Combs: No Report

Streets and Roads – Councilmember Wise: No Report

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that she will be attending the Board of Directors Conference on September 5 and 6 in Annapolis and they will be providing us with a tour of the Port Towns.

The next SMMA meeting will be Wednesday, September 17, location to be announced.

Councilmember Wise remarked that Ms. Alvey is in attendance today and wished to express some concerns she has on her property. Councilmember Wise did note that he suggested she consult an attorney to assist her.

Ms. Jean Alvey came forward to explain that her property and family property sits in the middle of the new Quality Built development, Leonard's Grant. We have requested a meeting with the owners to address these problems but they have not met with us. Many years ago, we worked out a deal with the original owner, Mr. Lindsay. Mr. Lindsay was working with a developer and at that time, it was agreed upon that, we would turn over our right-of-way, and agree to being incorporated into the Town limits, that they would provide us with the sewer and water hook-ups. Mr. Lindsay and the developer worked on this over a period of several years after which Mr. Lindsay sold it to another developer and I believe that Quality Built Homes is the third developer who purchased it. In the meantime, our well went dry and we put in a new well. When Quality Built Homes built the first two homes they went right in front and beside my home. We started asking questions if the agreement we had with Mr. Lindsay was still valid. We knew we did not have anything in writing and they might not have to abide by it but the first thing they did was cut off our access to Greenbrier Road to put their parkway in, meaning we could no longer use Greenbrier Road. In speaking with Mr. Andy Bice, he believes we want this hook up for nothing, he tells us it will cost \$25,000. This is not for nothing, it is in return for the right-of-way that we apparently turned over but we have not signed any documents to that effect. This has been going on for twenty-five years now and even though there is nothing in writing, as to the deal we had with Mr. Lindsay; how could Quality Built Homes take control of our right-of-way. We have had some difficulties getting in and out of our homes. I have hired Mr. Ernie Bell to represent us and am seeking some advice from the Council on my next steps.

Councilmember Combs asked Ms. Alvey where her septic system is located. Do you all have a water and sewer hookup?

Ms. Alvey responded that her septic system is underneath the newly built tennis court in the development. I no longer have access to my septic system. We were told we could put in a new septic system and I told them we could not put a new system in within the Town limits. We do have a pipe at the end of my driveway to hook up to sewer and my brother's place has one too. They think we are trying to get something for nothing.

Councilmember Combs commented that the question is who will pay the impact fees?

Ms. Miller remarked that Mr. Bice did call in early July seeking a conversation about this issue as they are moving forward on Phase II and he provided me with some information. Staff needed to do some research on this subject and I also spoke with Ms. Alvey. When I spoke with Mr. Bice, he indicated their drainfields are located outside of their property lines and they wanted to know if the Town would require them to hook up or would they allow them to put new drain fields in for the Alvey's for both properties. Mr. Bice said they wanted to see what the options were before making a decision to proceed and are waiting on information from us.

Councilmember Combs asked if they had an agreement.

Ms. Miller responded they did not have an agreement. They did not purchase their properties and the properties had their own septic and well. Quality Built did not know the septic or drain fields were outside of the property line. They are looking at how to address it, but there is also the issue of impact fees, who is paying those and do we allow the septic system to stay. We have been researching the annexation agreement and other items. Quality Built has been working with us to figure out their options.

Ms. Miller noted that at this point of our search of the annexation, we have not found any agreements. The two property owners are not paying any Town taxes as they do not receive any Town services. A decision will need to be made when and if they receive Town services to start paying Town taxes and who will be paying the impact fees. There are a lot of issues but Quality Built has asked that this be researched and discussed to resolve.

Mayor Norris commented that during the approval process, the question was never raised nor considered that the septic system and drain fields would be outside of the property line.

Councilmember Collier remarked that it seems there are two issues here. One is the water and sewer and the other is the right-of-way access to the properties. I believe their attorney needs to address the right-of-way issue.

Councilmember Combs commented that we will do more research into this issue.

Mayor Norris stated that we will facilitate a meeting between Quality Built Homes and the property owners.

Ms. Miller remarked that Quality Built has been working to gather as much information as possible before meeting with the property owners.

Councilmember Collier noted that, if necessary, we will hold up any Quality Built permits until this issue gets attention.

Mayor Norris stated that this is a situation that we need to be careful here as it may contain legal issues that this Council will not be able to help you with but we will try to generate some conversation to avoid that.

Adjournment:

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

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Walter Wise, Vice President

Daniel W. Burris, Councilmember

Thomas R. Collier, Councilmember

Robert C. Combs, Councilmember

Leslie E. Roberts, Councilmember