



Commissioners of Leonardtown

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J. HARRY NORRIS
Mayor

LASCHELLE E. MILLER
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **October 13, 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; Darren Meyer, Resident; Tana & Jay Battle, Resident; Miki Michalski, Resident. 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 stepped out and asked Councilmember Wise to take up the first item of business.

Approval of Minutes:

The meeting minutes for the September 8, 2008 Town Council meeting were presented for approval.

Councilmember Wise entertained a motion to approve September 8, 2008 Town Council meeting minutes; Councilmember Collier moved to approve the minutes; seconded by Councilmember Roberts; no further discussion, motion passed unanimously.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that the packets contain financial information for the quarter ending September 30. During the month \$175,000 was transferred to the LGIP as a direct result of tax payments that were received during the month. On the income statement, we are 25% through the year; I have recorded the real property tax levy. We do have favorable receipts of building permits and occupancy permits, a bit more than expected in a quarter. The plan is to have the audit completed and the audit firm will present their findings at the November meeting.

Planning Department – DeAnn Adler

Ms. Adler reported that last month the Planning and Zoning meeting was held on September 15, 2008. We had seven cases to be heard, they were:

- **Case # 70-08 - 41630 Courthouse Drive - Request for Rezoning** – The applicant was requesting a rezoning of this parcel from Commercial Office to Commercial Business. There will also be a public hearing at today’s meeting at 4:15 p.m. regarding this case.
- **Case # 81-08 – Request for a Second Floor Addition to an Existing Building** – Located at 22615 Washington Street. A request was made by Mr. Tom McKee to add a second floor conforming use to a non-conforming ground floor use. This was approved and a building permit has been issued.
- **Case #17-08 Ryken Bathroom Waiver** – Ryken High School was requesting a waiver from the Town to reduce the number of restroom stalls they are required to provide for their new stadium. This request was approved.
- **Case # 92-07 Dr. Luke’s Office Building Expansion** – A request for final site plan approval was made. This request was tabled pending several unresolved issues. This request will be back again at this month’s P & Z meeting.
- **Case # 64-04.2 Leonard’s Grant Phase II** – Request for final site plan approval and approval of plats. This request was approved.
- **Case # 79-08 4th Floor Variance for St. Mary’s Hospital** – The hospital is asking for a variance to add a fourth floor to their future hospital addition. At the last minute a request was also made to add a fifth floor variance also. A favorable recommendation was forwarded to the Board of Appeals for the fourth floor variance. The fifth floor issue was unresolved and will be addressed at the BOA hearing.

In addition to these cases, there was also a public hearing held at 4:10 for Ordinance 141 – adding the word “wineries” to the permitted uses in the Recreation and Parks Zoning District. There were no comments from the public and this ordinance received a favorable recommendation from the P & Z Board. There will be a public hearing on this ordinance at today’s meeting also, starting at 4:10 p.m.

Our next Planning and Zoning meeting is scheduled for October 20, 2008. We have several cases to be heard, they are:

Case # 93-08 22699 Washington St. – Old Hospice Bldg./Washington Street Partners – Request for Concept Plan approval for a redevelopment and expansion project for this site.

Case # 48-08 SMECO – 23365 Hollywood Road – Request for Concept Plan Approval for their proposed expansion project.

Case # 162-04 22750 Longmore St. – Recommendation to BOA for a request for a side yard setback variance.

Councilmember Wise entertained a motion to close the regular meeting and open the Public Hearing.

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

Ms. Miller read the text amendment for Ordinance No. 141 adding “Wineries” as an allowed use in the Recreation and Parks District. We also are deleting the word “permanently” in two places under Article 155-47-B. This has been introduced before you previously and a Public Hearing was held at last month’s Planning and Zoning Commission who forwarded a favorable recommendation to the Council. This is the final reading and is before you for your approval today based on public comments. We have not received any comments from the public from either the Planning and Zoning Commission meeting nor prior to today’s meeting.

Councilmember Roberts inquired of the audience if there was anyone here today to speak regarding this subject.

There was no response from the audience.

Councilmember Collier moved to close the Public Hearing and re-open the regular meeting, seconded by Councilmember Roberts, motion passed unanimously.

Councilmember Roberts moved to approve Text Amendment as presented for Ordinance No. 141, seconded by Councilmember Burris, no further discussion, motion passed unanimously.

Councilmember Roberts moved to close the regular meeting and open the Public Hearing on Case #70-08, seconded by Councilmember Collier, motion passed unanimously.

Ms. Adler reported the following information on Case #70-08:

Applicant: Daniel Brown
Location: 41630 Courthouse Drive
Current Zoning: Commercial Office

Enclosed:

- Location map, application, survey, and floor plan
- P & Z and Town Council Minutes from Weiner Building Rezoning Case – Feb. and March 2002
- Commercial Office and Commercial Business Zoning
- Letter from John Norris

This public hearing was advertised on August 1, 2008 in the Enterprise Newspaper. Notices were sent to the surrounding neighbors and the property was posted as required by code. At the

August meeting it was announced that the hearing would be postponed until today's meeting. The applicant would like to have this parcel of land, located across the street from the Courthouse, rezoned from Commercial Office to Commercial Business.

Basis for Rezoning: For any request to rezone, the applicant must first prove that there has been a change in the neighborhood of the property since the adoption of the Zoning Ordinance and maps in May 1974 or that the Ordinance or maps were in error regarding the applicant's property.

Please note: As shown on the minutes from the Weiner Building rezoning case, during that Town Council hearing there was a discussion about the lack of parking and the collection of fees in lieu. Mr. Weiner's request was tabled at that meeting and his application to rezone was subsequently withdrawn by Mr. Weiner at a later date.

Mr. Daniel Brown introduced himself and explained that he does not believe this fits spot zoning as we are surrounded by commercial business. Parking is not a problem as there are numerous parking spots available within a short walking distance. With all the new office buildings being built in the surrounding outskirts of Leonardtown a lot of office people are filling those spaces and our strip of offices are being left not being able to rent our spaces. Leonardtown is changing, the Wharf is completed and has increased walking traffic up and down the hill and a barber shop or donut/coffee shop in this area would also encourage more walking traffic. We need more options to keep this strip alive.

Mr. John Weiner commented that he owns the building next door to Mr. Brown and is in favor of his rezoning request. There is a lot of new office space available and this had created a lot of vacancies. This rezoning request would provide Mr. Brown with additional options to utilize his space.

Mr. John Mattingly remarked that there is a need for some flexibility to change due to today's economic circumstances. I've visited other small towns that have a coffee shop and such right across from their Courthouse and we do not have that capability with the current zoning to do so.

Mr. John Kerry stated that he is also a local business owner as well for a Digital Home Technologies and are operating as a consulting firm at the moment but only because they are forced to be as they cannot open a retail space in their current building due to the zoning classification. It would be to our advantage to have the flexibility to open some retail space and would therefore be in favor of the re-zoning request.

Councilmember Wise entertained a motion to close the Public Hearing.

Councilmember Burris inquired if any comments were received.

Ms. Miller responded no, but in the Planning and Zoning Commission minutes, it was noted that Mr. Williams Higgs, who owns property next door, spoke out against the rezoning.

Councilmember Roberts moved to close the Public Hearing and re-open the regular meeting, seconded by Councilmember Burris, motion passed unanimously.

Mayor Norris stepped back in the meeting and entertained a motion on Case #70-08.

Councilmember Burris stated that as a business owner in Town he feels it is important to address this issue with the Comprehensive Plan.

Councilmember Roberts commented that she understands how difficult it is for them to wait but also feels that there are so many issues that this needs to be addressed comprehensively. We just received a grant to have a consultant work with a committee to update the Comprehensive Plan.

Mr. Brown stated that this will take over a year and reiterated his feelings that the Council should approve the rezoning request now so that they can utilize their property and this could be beneficial to the Town and the Comprehensive Plan and if it doesn't work it could be changed.

Mayor Norris commented that we could not approve this zoning, see if it works then change it back; it does not work that simply.

Councilmember Collier agreed that this should fall under the Comprehensive Plan as it does seem like spot zoning and it may set an unwanted precedent.

Councilmember Combs moved to deny the request for re-zoning, seconded by Councilmember Collier, no further discussion, motion passed unanimously.

Police Report – Deputy Simonds

Deputy Simonds submitted a report but was unable to attend today's meeting.

Councilmember Collier remarked that he would like to see more detail on the Deputy's reports.

Councilmember Burris commented there were some issues that came up during the LBA meeting that he would like to discuss with the Deputy.

Town Administrator's Report - Laschelle Miller

Park Ave/ Courthouse Drive Townhomes - At the August 8, 2008 workshop the Council said that they believed the ownership of the alley behind the Park Ave. townhomes remained with the owners. This topic has been researched over and over and no evidence has been found that the town took ownership. The Council asked that I inform the residents that if they want to get a title search and show the ownership transfer then the Council would act accordingly. In my discussion with them I looked up the State Assessment information and the property is still listed with the State as being owned by Ben Conley, the original developer. Mr. Mikalski (one of the owners) provided a letter from 1986 from Mr. Conley that says that we would have required the transfer and we would have the deed on file, which we do not. Ms. Judy Bakewell and Mr. Michalski have requested to be on the agenda to discuss with the Council.

Mayor Norris stated that he asked the staff to investigate and research past minutes for any information relating to this situation and they were unable to find any.

Ms. Bakewell and Mr. Michalski remarked that the road is deteriorating and we are getting the run-off from the top of the hill. We would like to have the Town maintain it. Ownership was turned over to Mr. Densford but we have been unable to find any of the paper work.

The residents expressed their concerns, a petition was brought forward signed by the residents to ask that the alleyway be taken over by the Town and restored to the residents in satisfactory condition.

The Mayor and Council members expressed their concern about the legality of taking ownership of this property. Eminent Domain is a process that should be used with considerable caution; other approaches should be followed first.

After much discussion, Mayor Norris suggested that the Town would work with the Town's attorney to determine ownership of the alley way and what the next steps should be. Secondly, even though you do not have a HOA you need a spokesman to work with the Town.

Ms. Bakewell made a request that if there is a major snow storm will the Town please have the alley way plowed so that the residents can get out. It is only a small area and would take just a quick swipe.

Mayor Norris asked Council if they had any objections to this request and they indicated they did not until the matter is resolved.

Arts and Entertainment District Designation- I have been approached a number of times by members of the State Arts Council and Dept. of Housing and Community Development individuals who believe the time is right for Leonardtown to be designated an A&E District. I have included a fairly extensive packet of information but will highlight the impacts to the Town. We need to discuss and decide if in fact we want to pursue the designation.

I feel that this should be one tool in a larger tool box for starting to focus more heavily on business attraction, incentives and retention due to the changing economy. Dan Burris, Dan Norris and I met with Bob Schaller this week to discuss ideas from the County Economic Development Dept.

Other possible programs include the Neighborhood Business Works program (brochure attached) and the Main Street program. John Norris is considering the NBW program for the project he is proposing at 22699 Washington Street. We have already designated the downtown business district as a "designated neighborhood" which would qualify him to apply for that program.

Ms. Miller introduced Barbara Bershon, St. Mary's College and St. Mary's Arts Council along with Ms. Betty Bumgarner, representing North End Galley and Mr. Dan Norris, LBA. They are here today in support of the Arts and Entertainment District Designation to encourage Council to pursue this designation.

Ms. Miller noted that the Town had previously applied in 2001 for the A&E District Designation but did not get the approval to move forward but we have been approached several times after that by the State and local Arts Councils' and the Department of Housing and Community Development who oversee the Arts and Entertainment Designation. We had some State officials take a tour of Leonardtown and they feel that Leonardtown is now at a point that we should be included in the A&E Designation. A lot of the information is included in your packets about the designation and what Town's have the designation. We have put a committee together to discuss and look at what the obligations are for the A&E District. The next round of applications are due in April 2009 and we need a strong committee to move this forward. Once we get the designation, we will need to appoint a board and the right people on the board would ensure that this does not become a staff driven district. The successful districts have very strong boards with a lot of participation through Town businesses and other organizations. We met with Bob Schaller, County Economic Development and talked about other things we can do. In this economy we need to start thinking in a different direction and actually going out to recruit retail and how we can retain the retail we do have and encourage people to live downtown. One of the other programs is the Neighborhood Business Works Program and Mr. John Norris will be pursuing a grant under that program as he moves forward with the renovation of the Hospice building.

Councilmember Roberts noted that several people have told her how Leonardtown is a perfect match for this program.

Ms. Miller noted that she had included information on the highlights and talking points in regard to the benefits of the A&E District which does include some incentive tax credits.

Ms. Bershon noted that the Town of the Hagerstown has really turned itself around with the A&E District Designation and would love to see that happen with Leonardtown.

Ms. Miller remarked that this will be a lot of work and it is not just to obtain an Arts and Entertainment District Designation, it is a broader way to retain and be proactive in attracting new businesses.

Councilmember Collier commented that he is not yet clear on how this program benefits the Town.

Mr. Dan Norris, LBA, remarked that the business owners have all commented to him that they would like to attract more retail in Town in order to maintain all the businesses.

Mayor Norris thanked Ms. Bershon and Ms. Bumgarner for attending today's meeting and their support.

Ms. Miller introduced Mr. Tony Wheatley, the Town's new Capital Projects Coordinator.

Mr. Wheatley remarked that he has been familiarizing himself with the ongoing and upcoming projects and the WWTP.

Council welcomed Mr. Wheatley aboard.

Renewal of Beacon Newsletter- Heritage Printing was awarded the contract for printing of the Beacon in fall of 2006. They have one more one-year option. They have maintained the price of \$1,919 per issue since that time. They are requesting the one year extension until August 31, 2009 with a slight increase of \$85.57 per issue. The new total would be \$2,004.57 per issue.

Councilmember Roberts moved to approve the renewal of the Heritage Printing contract, seconded by Councilmember Combs, motion passed unanimously.

Grant Award Update- We received word that we have received the \$35,000 Maryland Sustainable Communities Grant applied for to fund a consultant to work with us on the Comprehensive Plan Update.

We also received a \$1,000 SO MD Heritage Area grant for the Waterfront Festival and a \$1,000 grant for a brochure for a guide to downtown Leonardtown. I am proposing matching this grant to design a brochure that will be printed instead of the history brochure. We can incorporate some history but I would like to come up with a brochure focused around business in downtown Leonardtown. I am also proposing using the designer who recently designed the Wharf/Port of Leonardtown brochure. We approved this designer previously as recommended by their work with the County. We bid out the local printing and Printing Press won the award. I am proposing using the same idea for this brochure.

Council came to a consensus and agreed to the brochure proposal.

Utility Maintenance and Repair Contract- In 2003 Delahay Construction was awarded a 2 year contract with 3 1-year options. The contract is scheduled to be re bid this year. However, given the significant projects currently underway or scheduled to begin we are requesting a two year extension to the contract. Delahay has agreed to hold their current prices for two years. Given the wealth of knowledge of our system and the tremendous emergency service we receive we believe this is of the best interest to the town.

Councilmember Roberts moved to approve the maintenance contract with Delahay Construction for a two-year extension to their contract, understanding it is outside the bid process and they agreed to hold their current prices for two years and because of their knowledge and service they provide, seconded by Councilmember Collier, no further discussion, motion passed unanimously.

Mayors Report

Events – Councilmember Burris

Upcoming Events of Interest/Meeting Reminders:

Date

Time

Meeting/Event

Friday, Oct. 10	8:30 AM	LBA Meeting @ TBD
Friday, Oct. 10	8:00 AM	31 st Annual Golf Classic @ Wicomico Shores Golf Course
Tuesday, Oct. 14	9:00 AM	Chamber Tourism Council Meeting @ SM Airport Conference Room
October 23-25		MML Fall Conference @ Cambridge (Hyatt Regency)
Saturday, Oct. 18 & Sunday, Oct. 19	10 AM-6 PM 11 AM-6 PM	SMC Oyster Festival @ SMC Fairgrounds
Wednesday, Oct. 22	5:30 PM	Chamber “Business After Hours” @ Somerville Showroom, 44221 Airport View Dr., Hollywood
Saturday, Oct. 25	1 PM-3 PM	Scarecrow Making on the Town Square w/Old Towne Crafters
Saturday, Oct. 25	3 PM-4 PM	Trick-or-Treating on the Town Square w/ downtown Merchants
Saturday, Nov. 8 & Sunday, Nov. 9	9 AM – 5 PM 10 AM – 4 PM	Antique Show & Sale @ Leonard Hall Jr. Naval Academy
Tuesday, Nov. 11	10:00 AM	Veterans Day Parade in Leonardtown
Friday, Nov. 28	5 PM-9 PM	Christmas on the Square & Tree Lighting
Friday, Nov. 28 - Sunday, Nov. 30	Fri, 9 AM-9PM Sat, 10 AM-5PM Sun, Noon-6PM	Festival of Trees @ TBD
Saturday, Dec. 13	11 AM – 1 PM	Santa & Mrs. Clause on the Square
Wednesday, Dec. 17	TBD	Town Hall Open House

Parks – Councilmember Combs:

Councilmember Combs reported that work continues to move forward on the Port of Leonardtown and would like to request to use Delahay Construction to start on the water’s edge and bridge. We do have the grant money in place and will need to begin the permitting process. Council came to a consensus and agreed to use Delahay Construction for Port of Leonardtown.

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

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that she will be attending the MML Fall Conference in Cambridge, MD on October 23 to 25 and will obtain more information from various Town's on the A&E District. SMML legislative dinner is planned for December 10 at the Rod & Reel in Chesapeake Beach. Interesting that Chesapeake Beach has their elections being held the same day as the Presidential Elections and have 17 candidates running for three/four slots.

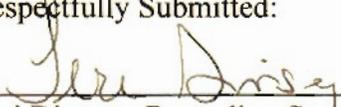
Capital Projects – Councilmember Collier: **No Report**

Ms. Miller noted that there is a Board of Appeals meeting scheduled for Monday, October 21, 2008 at 5:00 p.m. on the Leonardtown Landing and another scheduled for Monday, November 3, 2008 at 5:00 p.m. for two variance requests. Also, the County is holding a public hearing on the jail expansion which will take place on Thursday evening November 13, 2008. Staff will provide you will details on time and place of the meeting.

Adjournment:

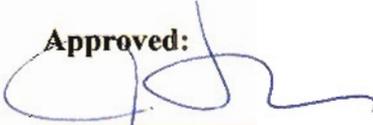
Councilmember Combs moved to adjourn the meeting. Councilmember Burris seconded the motion, which passed unanimously. The meeting adjourned at 5:45 p.m.

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

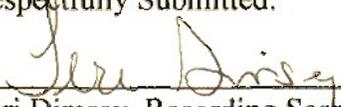


Leslie E. Roberts, Councilmember

Adjournment:

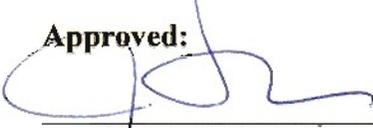
Councilmember Combs moved to adjourn the meeting. Councilmember Burris seconded the motion, which passed unanimously. The meeting adjourned at 5:45 p.m.

Respectfully Submitted:

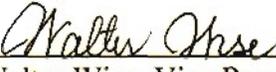


Teri Dimsey, Recording Secretary

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