



# Commissioners of Leonardtown

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J. HARRY NORRIS  
*Mayor*

LASCHELLE E. MILLER  
*Town Administrator*

## **Commissioners of Leonardtown** **Town Council Meeting Minutes** **January 12, 2009 ~ 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; Tony Wheatley, Capital Projects Coordinator; Andy Bice/Stephen Gertz, QBH; Wayne Davis, WM Davis; Angela Healy, Healy Studio; Anne Hooper, Hooper & Assoc.; PP, SMH; Laura Young, RWSM; H.T. Herndon, Jr., Compliance Corp. 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 stepped out and asked Councilmember Wise to proceed to take up the first item of business.

### **Approval of Minutes:**

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

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

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

Ms. Sothoron reported that during the month \$125,000 was transferred to the LGIP. We are 50% through the budget year. There is a budget amendment for presentation and your approval today. Last week was the first Wednesday for the single revenue stream recycling to be collected on the new day, the transition was relatively smooth. We have posted information onto the website and we will get the word out through LBA to get more interest in the Commercial Recycling.

BJ02-09 - Budget Amendment for Belt Press for fiscal year 2009 to appropriate funds to cover the annual rental cost of the belt filter press that we are leasing from Maryland Environmental Service. When Council approved the Fiscal 09 budget we thought we were going to purchase the belt press but after that time we made arrangements with MES to lease one of their used belt presses for a significant cost savings until at such time we upgrade the plant and purchase a new piece of equipment but were not sure of the technology we would be using at that time. The operating expenses are not part of the fiscal year 09 budget therefore this budget amendment is to appropriate the money and to cover the annual rental expense.

**Councilmember Collier moved to accept the BJ02-09 Budget Amendment as presented; Councilmember Roberts seconded, no further discussion, motion passed unanimously.**

Ms. Sothoron reported that there has been some concern regarding the legs of the Greenbrier Water Tower needing to be painted. Council asked for a price quote and at this time, MES is requesting that we execute an inspection agreement with them before they provide us a price quote as they need to be compensated before they inspect the tower. In discussions with Mr. Jay Johnson, our facilities superintendent, MES has offered to do all three towers. The three inspections will cost a total of \$2,925.00. The most recent inspection for the Greenbrier Water Tower was in 2002. It will take a few days to perform the inspections, as it requires a drawdown of the water in the tower which will need to be coordinated with our staff. The repairs will not be done until the weather breaks.

Councilmember Collier asked if this would require a Budget Amendment.

Ms. Sothoron replied that it would not require a budget amendment but it does deviate from the normal procurement policy which requires comparison quotes as it is over \$1,000.

**Councilmember Roberts moved to accept this inspection price for all three towers at \$2,925.00 without going through the normal comparison procedure; Councilmember Collier seconded, no further discussion, motion passed unanimously.**

Ms. Sothoron reported that the Legislative is in session and she is replying to the fiscal notes. Another ongoing project is the beginnings of a Fraud policy, as required by our auditors, along with updating the Procedure Manual.

Councilmember Combs noted that under the proposed budget it indicates there is \$320,000 in income tax and we have only collected \$98,000.

Ms. Sothoron responded that those receipts come in several months behind the calendar quarter, so we have only received one quarter of income tax payments from the State. We are ahead of collection as budgeted.

### **Planning Department – DeAnn Adler**

Last month our Planning and Zoning meeting was canceled, we had no cases to be heard. This month our Planning and Zoning meeting will be held on January 20, 2009. So far we have two cases to be presented:

**Case # 91-03 Foxwell Condominiums Phase II, Building II** – Mr. Wayne Davis has submitted a subdivision application for the second building at the Foxwell Project.

At 4:10 pm we have a public hearing scheduled for Ordinance #142 – This is a zoning text amendment to add an alternate to the P & Z and BOA boards.

The RFP for a Consultant for the Comprehensive Plan Update was advertised and are due this week.

Mayor Norris inquired how many packets were picked up for the RFP.

Ms. Adler responded, four.

### **Upcoming Planning and Zoning Meeting – January 20, 2009**

**Case #29-07 St. Mary’s Hospital Temporary Classroom Trailer** – The hospital is requesting an extension of their temporary trailer coach permit. The original approval for this permit was obtained May, 14, 2007. The hospital had originally asked for a permit for 2 to 3 years, but was given approval for one year with a six month extension allowed to be issued in-house by staff if necessary. On July 29, 2008 the hospital received approval for an extension of this trailer permit that expired in December 2008.

**Action Needed Today:** Applicant is seeking an extension for a temporary trailer coach permit. The Town Council can approve, approve with conditions, deny or delay decision.

**AND**

**Case # 12-02 St. Mary’s Hospital MRI Temporary Trailer** – The hospital is requesting an extension of their temporary trailer coach permit. The original approval for this permit was obtained on Feb. 13, 2002, and was good for one year. An approval for an extension to this permit was granted on July 21, 2003 and was granted for a period of 3 years. In October of 2007 the Town Council granted another approval for a 6 month extension that was good from 10/11/2007 to 4/11/2008. In April 2008, staff contacted the hospital to see what their plans were for this trailer. At that time it was stated that the trailer was unoccupied and the hospital was attempting to sell it. To date they have not yet found a buyer for this trailer.

**Action Needed Today:** Applicant is seeking an extension for a temporary trailer coach permit. The Town Council can approve, approve with conditions, deny or delay decision.

Mr. Frank Fearn came forward to provide a brief explanation of the need for the extension.

Council members clarified that the trailer would not be occupied or used while it vacated and prepared to be sold.

Councilmember Roberts inquired how long the classroom trailer would be needed.

Mr. Fearn replied that its' function is needed for approximately one more year.

**Mayor Norris asked for consensus from the Council Members.**

**Council Members all agreed to a one year extension for a temporary trailer permit for both the MRI trailer and the Classroom trailer. However, a stipulation was put on the MRI trailer that it was not to be occupied.**

**Case #110-08 Hooper – Request for P.I.R.D. Designation–**

**Owner:** James and Rosalie Hooper  
**Location:** 22840 Lawrence Ave.  
**Current Zoning:** R-MF  
**Architect:** Healy Studio

This property consists of an existing, older two-story frame house with three apartments in it and an outdoor shed. The property is approximately 0.28 acres on Lawrence Ave. near the rescue squad building, but across the street. The applicant is requesting a P.I.R.D. designation to replace this run-down house with a new three story building with six apartment units in it. These apartments would be marketed to provide affordable housing for local nurses and teachers. The house itself is designed to look like a large single family residence, to blend in with the other houses on the street, with the entrance to the apartments hidden on the side and a large front porch across the front. The parking for the apartments would all be located to the rear of the property and hidden behind the house. The new site plan would bring the building within 10' of Lawrence Avenue in the front; this would be in keeping with the houses on either side of this property which are about 15' and 20' from Lawrence Avenue. (Please see drawings provided). The applicant is also requesting 3 additional EDU's. The required number of parking spaces has been provided.

**Action Needed Today:** Applicant is seeking a P.I.R.D. zoning designation and 3 additional EDU's. The Town Council "shall submit such application to the Planning Commission for review and recommendation" as required in Section 155.34.6 – L (4) of Article VII-A (Leonardtown's Infill and Re-development District P.I.R.D. Zoning Ordinance).

Ms. Angela Healy, architect for Healy Studio, stepped forward to briefly describe the project. She explained that their objective is to create affordable housing for local workforce. We are working with local businesses to make it attractive for the workforce.

Ms. Miller explained that the PIRD Designation was designed as an overlay zoning. The property now has Residential Multi-Family zoning. This would be an overlay. It would go through the process, Council would have final approval. It would go through a Public Hearing, both with the Planning and Zoning Commission and the Town Council. They would have to show that this project shows the benefits and meets Infill Redevelopment Project requirements which are provided in your packets and Council would then make a favorable or unfavorable decision to move the project on to the Planning and Zoning Commission, or go through the process.

Ms. Healy provided more details about the property, the setbacks and the parking issues.

Councilmember Roberts commented that this project is cutting edge planning and zoning where they are putting this type of homes right into their subdivisions, creating a mix of residential, upscale single family homes and affordable workforce housing.

Mayor Norris inquired as to the amount of rent they are looking to charge.

Ms. Healy responded that they are hoping somewhere around \$1,500 a month but when combined with working with local businesses the landlords are willing to take the market value and discount for the workforce with contract negotiations.

Ms. Healy stated they are working on keeping the same scale and look as it presently has and will not be any higher or larger than the surrounding homes. The only changes will take place on the front and the side. She provided Council with drawings and photographs.

Councilmember Combs expressed his concern regarding the shared driveway and would like to see a written contract incorporated so that the shared use is clear to all parties and future parties. He is also concerned about the number of EDUs requested and if the Town is able to accommodate this request.

Ms. Miller stated that we do have reserved EDUs for redevelopment projects.

Councilmember Collier also expressed a concern regarding the number of EDUs required. Is this above and beyond the 90 EDUs we have set aside for priority use?

Ms. Miller stated that these EDUs are part of the reserved EDUs for priority and redevelopment. If you send a favorable recommendation for this project to move forward to the Planning and Zoning Commission, it is considered a viable project for EDUs.

Councilmember Collier noted that he is not willing to commit any EDUs for this project at this time; we have a very limited supply of EDUs and are not aware of all of the issues of the project just yet.

Councilmember Roberts stated that she is willing to commit EDUs for this project.

**Councilmember Roberts moved to send forward the PIRD designation request for Case # 110-08 to the Planning and Zoning Commission; Seconded by Councilmember Burris, no further discussion; four members voted in favor, Councilmember Collier opposed, motion carried.**

### **Police Report – Deputy Simonds**

Deputy Simonds reported that for the month of December, there were six assaults that occurred at various locations, the Detention Center, the Nursing Center and the hospital. Unfortunately, the Nursing Center and the hospital have patients that are the main suspects of the attacks but they are suffering from Alzheimer/dementia. There were also two property destructions which were resolved but one actually led to the victim being served with a reckless endangerment charge.

The number of motor vehicle accidents went down for the month which is surprising considering it was the holiday season. We did have four hit and run incidents.

Deputy Simonds stated that a surveillance camera has been installed and this was announced during the recent Leonardtown Business Association. This is only for the purposes of safety and security for the Town.

Council Members inquired if a camera could also be placed in another area of Town that is having some issues.

Deputy Simonds responded that when you are dealing with cameras being placed within neighborhoods, it would require more approval but it could be pursued if desired by Town Council.

Mayor Norris stated that there is one neighborhood in particular that has some serious concerns and asked Deputy Simonds to look into the possibility of another camera and provide more details.

### **Town Administrator's Report – Laschelle Miller**

#### ***Quality Built Homes – Phase I***

- Water, Sewer and Pump Station completion – The pump station and all water and sewer work has been completed in Phase 1. Staff is recommending taking over the water, sewer and pump station with the requirement that a 2 year maintenance bond is in place.
- Phase of Road acceptance – We have learned from prior experience that once we have residents living and paying taxes in town they expect services such as snow removal. We are recommending looking at our process for road acceptance and require that a phase is completed and then a maintenance bond be put in place for that phase and then we will accept the street into our system. Previously we have said that the entire project had to be complete. This may take 10 years or more and creates an issue with the existing residents.

Once we take over a street it is added into our inventory and we begin to receive highway user funds from the state.

Mr. Andy Bice briefly explained the completion and turning over of the water, sewer and pump station to the Town, along with phasing in the acceptance of the roads.

Councilmember Combs asked if the roads would be completed before we accepted them.

Ms. Miller stated that our ordinance allows for a reduction of the bond but what we do not have in place is to be able to accept the roads in Phase I instead of waiting for the entire project to be completed. The roads would be accepted but we would need to change the process to allow a smaller bond at the very end of the project to cover all the roads that were completed to fix any problems that were caused by the on-going construction.

Mr. Bice commented that, for example, if we had everything done but the surface pavement and the sidewalks which mean it would be reduced by 75% and you would still have a performance bond for 25%. We would still have homes under construction and wait to surface the road once all of the homes are completed. This means we would reduce the bond periodically until all of the work is completed.

**Councilmember Roberts moved to accept taking over the water, sewer and pump station at Leonard's Grant for Phase I, seconded by Councilmember Combs, no further discussion, motion passed unanimously.**

**Council Members agreed to a consensus to accept and take over the roads at Leonard's Grant in phases with maintenance bonds instead of waiting until the very end of the project.**

*Ellenborough Ridge Request for Storm Water Management Fees in Lieu* – As a follow up to last month's workshop discussion, Jonathan Blasco, Mehaffey and Associates will attend the meeting to answer outstanding questions. I have attached the section of the code that allows for waivers. The redevelopment section spells out fees in lieu specifically but all waivers are on a case by case basis and are granted by the Planning Commission. I am not sure why we would grant a full waiver for something that is not redevelopment and not have the same options to at least get a fee in lieu or some other alternate improvement. I am requesting a recommendation to the Planning Commission on how this case affects the overall area and the intentions of the Town Council for this type of request.

Mr. Jonathan Blasco pointed out to Council on several drawings, the reasoning for their request showing that a hardship has been created by State Highway policy. The water presently flows down through grass, a grass channel and into an existing swm pond. This system works well and is adequate and meets State Highway's required swm guidelines for the size of this area. We could place a swm structure at the top but as this is working well as it is, we could place a swm system where it could be better utilized.

Council members asked questions regarding the flow of the water and how it would affect the surrounding neighborhood.

Ms. Miller noted that there is an issue downstream from the pond located in Academy Hills. We had an agreement with P.F. Summers, who would construct a swm facility, but with the problems P.F. Summers is experiencing, it is unknown at this time if that will occur.

Councilmember Combs inquired how much would the swm facility cost that P.F. Summers would put in and how much is the cost for the fee in lieu of?

Mr. Blasco responded that he has not worked up the cost as he is before Council today to ask for approval to do fee in lieu. We will work with Town staff on the details but if you require a final number, we are happy to come back before Council and provide a figure.

Mayor Norris asked Mr. Blasco if he would work with staff, Mr. Wheatley in particular, who can provide the details of the swm facility that P.F. Summers had planned and work up a cost for another swm facility for fee in lieu of and come back before Town Council in 30 days.

**Council agreed to table this subject for 30 days until Mr. Blasco can work up an estimate to do swm on site and a cost for fee in lieu of.**

*Sidewalk Repair Contract* – There are a number of brick sidewalk repairs that I have attempted to get completed for a couple of years. After a number of attempts with other contractors, of which the supply is limited, I have walked all of the town streets with Jeff Flick of Stepping Stone (who did the paver installation at the Wharf) and gotten an estimate of the repairs excluding any that would be completed with the streetscape project. The attached estimate is \$4,358.00. There is a \$10,000 sidewalk repair line item in the approved budget. We are requesting using Stepping Stone to complete the much needed repairs due to the responsiveness and quality of Mr. Flick's previous work.

**Councilmember Roberts moved to accept the estimate to repair the pavers without going through the bid process as we have been unsuccessful in obtaining estimates and the pavers need immediate attention; seconded by Councilmember Collier, no further discussion, motion passed unanimously.**

*Printing of 2009 Calendar of Events* - Ms. Miller reported that information on pricing for the 2009 Calendar of Events was on the table for Council's review. The quote from Printing Press was lower than Heritage; we are requesting authorization to use Printing Press. Over the years each company has printed the Calendar of Events; it tends to go back and forth.

**Councilmember Collier moved to accept the bid from Printing Press; seconded by Councilmember Roberts, no further discussion, motion passed unanimously.**

*Port of Leonardtown Winery* - Ms. Miller reported that we are waiting on finalization of some items that were spelled out in the MOU before the County money can be accessed. The Co-Op is working on completing the Business Plan and is working on some additional funding. Our



plan for the renovation of the building is complete. We are getting down to the wire to meeting the September deadline for this year's crop.

***Streetscape Update*** – An update was provided at the table for Council's review. They are in Phase II and as you can see they completed many of the entrances.

***Geocache Trail*** - Has been a great success. The Towns have all received a lot of visitors and the cachers have left comments on the website. One in particular notes that they would not have come this far south had it not been for the geocache trail but are so glad they did and how much they enjoyed Leonardtown. The Mayor presented the first coin today to the couple who were the first to find the Leonardtown cache and they have found all 22 caches since January 1, 2009.

***Capital Projects Report*** – Council thanked Mr. Wheatley for an informative, detailed report.

### **Council Reports**

#### **Events - Councilmember Burris:**

#### **Upcoming Events of Interest/Meeting Reminders:**

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Meeting</u></b>
Monday, Jan 19		Town Office closed
Wednesday, Jan. 21	11:30 AM	Chamber Membership Luncheon @ Outback Steakhouse (RSVP by Jan. 16 <sup>th</sup> )
Wednesday, Jan 28	5:30 PM	Chamber Business After Hours Hosted by Homebuilders @ Corbels in Leonardtown
Saturday, Jan. 24	6:00 PM	Leonardtown Vol. Rescue Squad Dinner & Installation of Officers and Award Banquet @ Fire House
Thursday, Feb. 12 & Friday, Feb. 13		Maryland Mayors Association Conference @ Loews Annapolis Hotel
Thursday, Feb. 26 <sup>th</sup>	7-10 PM	Southern Maryland Legislative Reception @Loews Annapolis Hotel (RSVP by 2/12)

#### **Parks – Councilmember Combs:**

Councilmember Combs reported that all of the water and sewer lines are in at the Port of Leonardtown and he has laid out where the bridge will be built and are waiting on a site visit from MDE. We need to look into matching the grant money funds we have budgeted and how we are to proceed by the deadline date.

**Streets and Roads – Councilmember Wise:**

No Report

**Capital Projects – Councilmember Collier:**

Councilmember Collier reported that he has a few projects to be added into the upcoming budget and would like to meet to discuss.

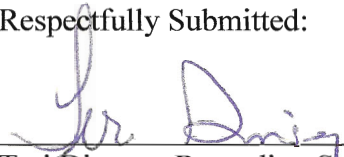
**MML/SMMA – Councilmember Roberts:**

Councilmember Roberts reported that the Southern Maryland Reception will again be held in Annapolis and the Chamber is providing bus service to the event if anyone is interested in attending. The next SMMA meeting will be held on Wednesday, February 18 in Indian Head.


**Mayor Norris entertained a motion to adjourn the meeting and reconvene for Executive Session to consult with the Town’s attorney to obtain legal advice.**

**Councilmember Collier moved to adjourn the meeting at this time but Council will reconvene for an Executive Session to consult with the Town’s attorney to obtain legal advice about potential litigation; Councilmember Roberts seconded the motion, which passed unanimously. The meeting adjourned at 5:50 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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Daniel W. Burriss, Councilmember

  
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Thomas R. Collier, Councilmember

  
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Robert C. Combs, Councilmember

  
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