



# Commissioners of Leonardtown

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LASCHELLE E. MCKAY  
Town Administrator

## **Commissioners of Leonardtown** **Town Council Meeting Minutes** **September 13, 2010 ~ 4:00 P.M.**

Attendees: J. Harry Norris, Mayor  
Walter Wise, Vice President  
Dan Burris, Councilmember  
Thomas Collier, Councilmember  
Roger Mattingly, Councilmember  
Leslie E. Roberts, Councilmember

Also in attendance were: Laschelle McKay, Town Administrator; DeAnn Adler, Plans Reviewer; Teri Dimsey, Recording Secretary; Jackie Post, Fiscal Clerk; James Warnick, Southern Maryland Soap Box Derby; John MacDonald, Olde Town Pub; Katherine Stormont, LBA/Full Stride Communications; Dan Guenther, Guenther's Fine Wine; and Cpl. Smolarsky, SMCSO. 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. and called for 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 August 9, 2010 Town Council meeting were presented for approval.

**Mayor Norris entertained a motion to accept the minutes as presented.**

**Councilmember Mattingly moved to approve the August 9, 2010 Town Council meeting minutes; seconded by Councilmember Roberts; no further discussion, the motion passed unanimously.**

### **Treasurer's Report** – Ms. Sothoron

Ms. Sothoron reported that during the month \$225,000 was transferred to the LGIP. Tax bills were sent out the first week of August. We are 17% through the budget year. The final income tax payment was received and we have met the FY10 Revised Income Tax Estimate. It was revised to \$325,000 and we have accrued \$335,000. For the month we also received reimbursement from FEMA for part of the snow removal expenses the Town incurred over the winter which was \$14,700.

Councilmember Burris inquired as to the total cost to the Town?

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**COUNCIL:** WALTER WISE, *Vice President*      DANIEL W. BURRIS  
THOMAS R. COLLIER      ROGER L. MATTINGLY      LESLIE E. ROBERTS

Ms. Sothoron responded that she did not have that figure on hand but an approximate figure would be roughly \$55,000 to \$60,000. She stated that Mr. Wheatley worked extremely hard with the representatives to submit the paperwork appropriately and timely to receive the FEMA funds.

Councilmember Roberts noted that the check from FEMA certainly helps.

Ms. Sothoron stated that the field work for the audit will begin next Tuesday. Final reports will not be submitted until the end of October and the Auditors will be in attendance at the Town Council November meeting for their presentation.

Ms. Sothoron reported that leak letters will be mailed to customers tomorrow. As you are aware, we are slowly prosecuting the water meter project and change over to consumption based billing. There was some training provided in August and part of that training did involve some test readings and the data revealed a handful of customers that do have leaks. What that means in this new software technology is the meter can detect and provide information when it never stops running. We are giving these customers enough notice for them to make the necessary repairs before we begin billing on a consumption basis. We also have water shut off notices going out tomorrow for those customers who have not paid their utility bill since June.

Mayor Norris asked how many customers had leaks.

Ms. Sothoron responded there were 39.

Ms. Sothoron noted that she provided Council with a detailed memo outlining three accounts that need to have Council approval to have written off the books. We follow the policy that if something has been billed to a customer it requires Council approval to be written off the books. They are for Arizona Pizza, Buffalo Wings and Beer and an office property on Washington Street owned by Design Builders.

Councilmember Roberts asked if forgiving accounts for residential and commercial properties are treated the same.

Ms. Sothoron remarked yes.

**Councilmember Burris moved to approve the Treasurer to write off the accounts for Arizona Pizza, Buffalo Wings and Beer (BWB) and Design Builders as presented; Councilmember Mattingly seconded, no further discussion, the motion passed unanimously**

**Planning Report** – DeAnn Adler

The Planning and Zoning meeting was held on August 16, 2010 at 4:00 pm. with two cases to be heard:

**Case # 64-04.3 & 64.04.5a – Leonard’s Grant Phases 3 and 5a** – This was a request for record plat approval for Phases 3 and 5a. This request was approved unanimously.

**Case # 60-10 Leonard’s Grant Clubhouse** – This was a request for architectural approvals for a small clubhouse at the recreation center. This request received unanimous approval also.

The next Planning and Zoning meeting is scheduled to be held on Monday, September 20, 2010. Presently there are no cases on the agenda at this time, so the meeting may be cancelled.

**Deputy Report** - Deputy Smolarsky

Deputy Smolarsky reported that she had provided Council with a written report. She stated that there is a new initiative that the Sheriff's Office has begun with the Board of Education called the Adopt a School Program. I was assigned, appropriately, Leonardtown Elementary School and have visited the school several times to interact with the kids. The focus of the program is to develop a relationship between law enforcement and kids at an early stage.

Mayor Norris stated that he needed to leave the meeting early and asked Mr. Dan Guenther of Guenther Fine Wines and Spirits to state his case for a change in his liquor license class from B to D. He has been before the Council before and has provided Council with a letter outlining his request and his discussion with the Alcohol and Beverage Board.

Mr. Guenther stated that he has learned a great deal about liquor licenses since he was before the Council last. One of the concerns was changing to a Class D license which is the same as what they refer to as a tavern license and referred to as a bar, which is what we do not want to establish. I met with Ms. Tamara Hildebrand of the Alcohol and Beverage Board and was educated that I could impose a number of restrictions on my liquor license. My aim is to provide a bistro-type setting so that my customers can enjoy a bit of light fare while enjoying a glass of wine. Restrictions as to the hours of operation and others would be placed on the liquor license to limit the business to adhering to a strict standard of operation. This would provide the Town with a level of comfort that is necessary for Council to consider approval.

Councilmember Roberts stated that she appreciates Mr. Guenther's tenacity. She would prefer to see the bistro work with a Class B license and would be glad to endorse it but is uncomfortable in endorsing a Class D license.

Mr. Guenther commented that in light of the fact that he is trying to stay as far away from a tavern as possible that some of the Council would consider that this is a more practical approach to solving this alternative than summarily rejecting this request.

Councilmember Collier noted that in the application it is written as requesting a Class D BWL.

Mr. Guenther indicated that Ms. Hildebrand told him to put it down as that and she said that this is considered a conversion from a Class A to the Class D BWL.

Councilmember Burris remarked that Ms. Hildebrand had also indicated that Mr. Guenther could not only have one wine/beer tasting a month but could have a wine/beer tasting a week, as long as it was sponsored by a distributor.

Mr. Guenther stated that he knows distributors can get a license but when we do a wine tasting it is the very variety of tastings that brings folks into the store, so a specific distributor limits the variety.

Mayor Norris commented that Councilmember Roberts has been consistent with your request and also with anyone who has come before the Council with regards to her position regarding the class of liquor license requests.

Councilmember Mattingly remarked that he just received the packet of information Mr. Guenther had provided and had not yet had an opportunity to review it and remains neutral at the moment.

Mayor Norris noted that if any Council Members would like additional time to review the materials provided, the request could be tabled for a later date.

Councilmember Collier agreed and suggested that this be tabled; the Council Members agreed.

Mayor Norris stated that this would be done and Mr. Guenther contacted when Council would hear his request.

### **Town Administrator Report** – Laschelle McKay

**Wentworth Parcel on Eldon Lane-EDU Priority Request-** Ms. McKay reported that NG&O Engineering has submitted a request to subdivide an existing residential single family lot. The subdivision regulations require at least 10,000 sq ft per lot as a minimum. The subdivision meets these requirements. Today's action will be to decide if this meets the priority test of Ordinance No. 132 for an additional EDU allocation.

Mr. Norris stated that he is here today to present any historical background and answer any questions.

Council questioned the potential extension of Eldon Lane and the impact on the existing neighbors.

Councilmember Mattingly indicated he had spoken with several of the residents along that road and the residents were adamant that they really do not want this road extended.

**Councilmember Roberts moved to use the infill development criteria to approve the request for an additional EDU to allow this lot to be subdivided for development; Councilmember Mattingly seconded, no further discussion, motion passed unanimously.**

Mayor Norris excused himself from the regular meeting and asked Vice President Wise to take over and resume the meeting in his absence.

Councilmember Wise asked Ms. McKay to continue with her report.

Ms. McKay proceeded with the **Leonardtown Logo Presentation by LBA Marketing Committee** reporting that the Marketing Committee for LBA has been working on developing a logo for Leonardtown for the last several months that could be used by LBA and the Town for a more unified marketing effort. They would like to present their idea at the meeting for Council approval.

Ms. Katherine Stormont and Ms. Theresa Johnson stepped up to provide Council with some background as to the makings of the logo and how they arrived at the final product which they

uncovered and presented to Council. We worked with Ms. McKay, Carolyn Laray, LBA members and other surrounding business owners. The logo incorporated the roof line shape of the historic Duke building, a Leonardtown landmark, along with the medallions that are also on many buildings in Leonardtown. The final addition was the line of waves at the bottom to highlight that Leonardtown is a waterfront community. They both explained how versatile the logo and the tag line "Most Convenient Place" could be used in so many ways such as "Most Convenient 'Summertime' Place or 'Winter' etc..... there could be many variations to entice folks to visit Leonardtown as their destination of choice for dining, entertainment and shopping. This would be used as an identifier for the County, LBA, the Town and the community to have a unifying visual logo/slogan for marketing recognition.

Ms. McKay noted that we owe Ms. Stormont a huge thank you, as the logo design process was done pro bono by a friend who has done quite a few designs specifically on the Eastern Shore and she saved the Town and LBA a tremendous amount of money for these services.

**The Council unanimously gave consensus on the logo.**

Ms. McKay reported that Mr. MacDonald was in attendance today to request a **Liquor License Letter of Support for Olde Town Pub Outdoor Event**. The Olde Town Pub is requesting a letter of support to hold an outdoor event on October 8, 2010 for Ryken High School alumni. A copy of the proposal to the Liquor Board is attached.

Councilmember Roberts commented that the site plan she received was confusing as to the placement of the tent.

Mr. MacDonald explained that the tent had to be secured down and they thought it may have to be placed somewhat in the parking lot but that is now not the case.

Councilmember Collier inquired if there would be music.

Mr. MacDonald responded yes, there would be music, inside only, but not in coordination with this event, just the usual guitarist.

**Councilmember Roberts moved to send a letter of support to the Alcohol Beverage Board for the special outside event on October 8, 2010 at the Olde Town Pub and they are to provide Council with a written letter of support regarding the availability of extra parking at the carnival ground; seconded by Councilmember Burris, no further discussion, motion passed unanimously.**

Ms. McKay moved on to the next order of business. **Resolution 2-10 to Petition the Maryland General Assembly to Reinstate State Shared Revenues-** The Maryland Municipal League wants to petition the State to reinstate State shared revenues, such as Highway User revenues, by more than 75% this fiscal year. They have requested that each municipality pass a resolution to support this important effort. A copy of the proposed Resolution 2-10 for the Town Council's adoption is before you for your approval and Ms. McKay read, out-loud, the Resolution.

Councilmember Roberts noted that she and Councilmember Mattingly attended the last SMMA meeting and this Resolution was a topic of discussion. The other Towns were in the process of getting their Resolution passed.

**Councilmember Collier moved to approve the passing of Resolution 2-10; seconded by Councilmember Wise, no further discussion, motion passed unanimously.**

Ms. McKay reported that before Council is a **Zoning Ordinance Update Proposal** and an updated Scope of Services Proposal with revisions from the last workshop from Tony Redman. The price estimate remains close to the same but spells out the proposed order of meetings, etc. We had budgeted \$10,000 for Professional Services in Planning and Zoning for this Fiscal Year. The Council can decide to proceed with Mr. Redman by extending the original Comprehensive Plan bid and having Mr. Redman add this scope of work.

**Councilmember Collier moved to extend the original Comprehensive Plan Bid and add the Zoning Ordinance Update to the original Scope of Services; Councilmember Roberts seconded, no further discussion, motion passed unanimously.**

**Bid Award for Beacon Newsletter Printing-** The Beacon Newsletter contract was publicly advertised and three bids were received. The contract is for one year with two one-year extensions. Heritage Printing was the low bidder.

- Heritage Printing \$1,998.87 per issue
- Printing Press \$2,119.00 per issue
- Beacon Printing \$3,898.00 per issue

**Councilmember Roberts moved to award the Beacon Newsletter Printing Bid to Heritage Printing; seconded by Councilmember Mattingly, no further discussion, motion passed unanimously.**

**Bid Award for Street Sweeping Services-** The Street Sweeping service contract was publicly bid and one bid was received. The contract is for three years with two one-year options. There was an increase of \$470.17/month for the base rate. The current rate had not changed since 2007 and several new streets/areas have been added.

	Current Rate	New Bid	Current Addl.	New Addl. For leaf collection
T&T Sweeping	\$1,740.73/mo.	\$2,210.90/mo.	\$240- Sept. \$390-Oct. \$390-Nov. \$240-Dec.	\$243.60- Sept. \$395.85-Oct. \$395.85-Nov. \$243.60-Dec.

**Councilmember Mattingly moved to award the Street Sweeping Bid to T & T Sweeping; seconded by Councilmember Roberts.**

**Discussion:**

**Councilmember Burris stated he would like to find out if they have the capacity to use water to keep the dust and debris down.**

**No further discussion, motion passed unanimously.**

Ms. McKay announced that today we received notification to proceed with the Port of Leonardtown Park.

**Mayor’s Report**

**Council Reports**

**Events: - Councilmember Mattingly**

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

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
September 18	Morning	Yoga at Leonardtown Wharf
September 19	12 PM – 5 PM	Taste of St. Mary’s Leonardtown Square
September 23-26	TH 3 – 9 PM FR 9 AM-9 PM ST 9 AM-9 PM SN 9 AM-6 PM	St. Mary’s County Fair – County Fairgrounds
September 28	TU 2PM-4 PM	CSM Wellness Center Dedication
September 30	TH 6:30 PM- 8:00 PM	Leonardtown High School Homecoming Parade
October 1	FR Evening	Oyster Scaled at Wharf by Lex. Pk. Rotary
October 8	FR Morning	Ribbon Cutting at St. Mary’s Ryken
October 10	SN 11:00 AM	Civista Health Potomac Heritage Cycle Tour-Wharf Stop
October 10	SN 12:30 PM	Tractor Parade around Square- So MD Antique Power Association
October 16-17	ST 10 AM-6 PM SN 11 AM-6 PM	U.S. Nat’l Oyster Shucking Championship Contest & Nat’l Oyster Cook Off- County Fairgrounds
October 30	ST 1 PM-4 PM	Trick-or-Treat on the Square- Leonardtown Sq.
November 11	TH 10 AM	Veterans Day Parade

**Streets and Roads – Councilmember Wise**

**No Report**

**Capital Projects – Councilmember Collier**

**No Report**

**Community Development – Councilmember Burris**

Councilmember Burris reported that he has been meeting with Mr. Orlando and Ms. Bershon to get a group of artists together to work out of the Court Square Building to create some type of establishment for local artists to set up, work out of and display/sell their work.

**MML/SMMA – Councilmember Roberts**

Councilmember Roberts noted that she and Councilmember Mattingly attended the SMMA meeting. There will not be a meeting in October or November due to the upcoming Legislative Dinner planned for December 1<sup>st</sup>. Also, Leonardtown will be hosting the January 5<sup>th</sup> meeting. Mayor Norris is scheduled to attend the Fall Conference in October.

**Vice President Wise entertained a motion to adjourn.**

**Councilmember Mattingly moved to adjourn the meeting at 5:10 p.m.; Councilmember Burris seconded the motion, which passed unanimously.**

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. Burris, Councilmember

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Thomas R. Collier, Councilmember

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Roger L. Mattingly, Councilmember

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Leslie E. Roberts, Councilmember