



Commissioners of Leonardtown

41660 Courthouse Drive • P. O. Box 1, Leonardtown, Maryland 20650

301-475-9791 • FAX 301-475-5350

J. HARRY NORRIS III
Mayor

leonardtown.commissioners@verizon.net
leonardtown.somd.com

LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **December 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; George Abell, Resident; Joe Orlando, LBA. 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. 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 November 8, 2010 Town Council meeting were presented for approval.

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

Councilmember Collier moved to approve the November 8, 2010 Town Council meeting minutes; seconded by Councilmember Roberts; no further discussion, the motion passed unanimously.

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

Treasurer's Report – Ms. Sothoron

Ms. Sothoron reported that during the month she transferred \$100,000 to the LGIP. We are 42% through the budget year. Several budget amendments will need to be brought forward at the next meeting. The budget calendar will be submitted in March of 2011.

Planning Report – DeAnn Adler

Last month our Planning and Zoning meeting was held on November 15, 2010 at 4:00 pm. There were two cases on the agenda.

Case # 83-10 - 41685 & 41695 Courthouse Drive - Tax Map 133, Parcel 367, Lots 1 & 2 – Request to Rezone from Commercial Office to Residential Single Family. A public hearing was held on this request to rezone the Courthouse Square property owned by Dean Beck, from Commercial Office to Residential Single Family in order to subdivide the property into six single family lots. A favorable recommendation was sent to this board from the Planning & Zoning Board. A public hearing will be held at 4:15 today on this case also.

Case # 72-10 - 25550 Point Lookout Road – First Saints Community Church – Request for concept plan approval for a 41 space parking lot addition. This request also received favorable approval.

This month our Planning and Zoning meeting was scheduled to be held on Monday, December 20, 2010. So far, we have no cases on the agenda.

Deputy Report - Deputy Smolarsky

Mayor Norris stated that Deputy Smolarsky provided a written report but was unable to attend today's meeting due to an off-duty automobile accident.

Ms. McKay reported that Deputy Smolarsky is recovering albeit slowly and we wish her well as she recuperates.

Mayor Norris announced that Colleen's Dream won the Best-Dressed Window Award. We hoped to present it to them today, but unfortunately they were unable to be present. We will stop by the store to present the award to them personally.

Town Administrator Report – Laschelle McKay

Ordinance No. 148 Stormwater Management Ordinance Update – This ordinance was introduced at the November 8, 2010 Town Council meeting. The ordinance is back this month for action. Upon passage, a fair summary of the ordinance is publicized and the ordinance goes into effect 20 days after passage.

Councilmember Burris questioned the increase in inspections that will be required and how this may increase work for the present staff.

Ms. McKay responded that Mr. Wheatley is working on an inspection spreadsheet and timeline and this will be part of his regular duties. We do anticipate an increased workload but a workable one at this point.

Councilmember Roberts moved to approve Ordinance #149; Councilmember Wise seconded, no further discussion, motion passed unanimously.

Ms. McKay remarked that the Ordinance will be advertised in the local paper and will take effect in 20 days.

Mayor Norris entertained a motion to close the regular meeting and open the Public Hearing scheduled for 4:15 p.m.

Councilmember Mattingly moved to adjourn the regular meeting and open the Public Hearing; seconded by Councilmember Collier.

Mayor Norris asked Ms. Adler to provide her report.

Ms. Adler reported:

Case # 83-10 41685 & 41695 Courthouse Drive - Tax Map 133, Parcel 367, Lots 1 & 2 – Request to Rezone from Commercial Office to Residential Single Family

The public hearing for this request is being held today. The property was posted and the public hearing was advertised in the local newspaper and certified letters mailed to the surrounding neighbors as required by Town Code. The Planning & Zoning Commission held a public hearing on November 15, 2010 and sent a favorable recommendation to the Town Council for this project. (See an excerpt of the minutes later in this report.)

Applicant: Beck & Beck, LLC

Enclosed:

Leonardtown Procedures for Rezoning

Rezoning Application

Excerpt from Article 66B of the Annotated Code of Maryland

Vicinity Map

Sketch of the Proposed Subdivision

(A sketch of the approved site plan for the office building project will be available at the Town Council meeting)

Project Description:

In May, 2006 this parcel received final site plan approval to construct two (2) three story buildings with a total of 33,000 square feet of office space along with 97 parking spaces on 2.1 acres. This approval was set to expire in 2008 and at that time Mr. Beck came back to the Planning and Zoning Commission and received re-approval for this project (Courthouse Square). In November 2008, Mr. Beck again came before the Planning & Zoning Board to request approval for some minor site plan changes and final plat approval. These changes were approved.

At this time Mr. Beck is requesting a zoning change for this property, from Commercial Office to Residential Single Family, in order to subdivide this parcel into six (6) single family lots (see

enclosed site plan). Each lot meets or exceeds the minimum lot width of 80 feet and the minimum lot depth of 100 feet. Please see the email below that I received from Mr. Beck regarding the basis for the zoning request.

Ms. Adler stated that Mr. Beck is in attendance today to answer any questions regarding this project.

Mr. Beck explained that the basis for the request for a zoning change is based on the fact that a mistake was made when the property was zoned CO due to the fact that the surrounding property in the block is Single Family Residential and across the street is Multi-Family Residential. While an argument for multi-family residential could be made, I feel that RSF zoning would be more compatible with the surrounding neighborhood. The impact of the EDU's required would be less. Lot 3 of this project (0.31 ac.) is not a part of this rezoning request. It is already zoned Residential Single Family, although it will require a boundary line adjustment approval from this Board if the zoning is changed on Lots 1 & 2.

Mayor Norris wanted to clarify that the homes would be facing Tudor Hall and that the new homes would be pretty much in line with the existing homes. He asked Council if they had any questions.

A resident asked to explain which lots were involved.

Mr. Beck responded by referring to the easel with the large drawing and pointed out the lots that were affected by this zoning, which exclude Lot 3 as it is already zoned RSF.

Mayor Norris remarked that today's public hearing is a request for rezoning, not an approval of this project as it is portrayed. The subdivision and site plan will need to come forward for final approval before any work can proceed. Today's Public Hearing is only to hear the request for change of zoning from Commercial Office to Residential Single Family.

Councilmember Collier noted that his concern with changing this from CO to RSF is that the request indicates this was a mistake and he was not sure this was the case.

Ms. McKay commented that when they researched this property, it was zoned CO as far back as the early 80s.

Mr. Ed Lawrence stated that he lives on Breton Bay Drive on the east side of Tudor Hall. He has been a resident of Leonardtown since 1961 and serves on the Board of Directors for the Historical Society. Generally, he feels this would improve the neighborhood as long as the builder builds homes similar, and in character with, the present homes of the neighborhood.

Mayor Norris remarked that this is strictly a zoning issue here today and things do change.

Mr. Beck assured them that the homes to be built in the future would complement Tudor Hall and that, if he were to sell the lots, he would include specific language or a covenant of some sort for any new homes to be built to reflect the importance of maintaining the character of the neighborhood and similar architecture.

Councilmember Wise asked if Mr. Beck was planning to build immediately.

Mr. Beck responded that he may build himself or sell the lots to another builder but was unsure at this moment of the direction of this project.

Mayor Norris opened the floor up to the public for comments and questions.

Mr. Dave Douglas, located at 41702 Courthouse Drive, asked that when the next phase of this project moves forward that the residents be apprised of the proceedings.

Ms. McKay responded that when this project moves forward, a subdivision request would be on the Planning and Zoning Agenda and we can notify the neighbors, but for this type of request, we are not required to advertise, only to place it on the agenda for discussion. If it is for RSF, it does not go to Planning and Zoning, therefore no hearings would be required; it would only be necessary for the builder to obtain an In-House Permit to move forward.

Mayor Norris indicated that although this would not require a Public Hearing, Town staff will make sure that the surrounding residents are notified when this case is on the agenda.

Mr. John Jordan lives at 22925 Calvert Street, next door to one of the Lots. He has enjoyed raising his four sons here and enjoyed the privileges extended to him to use the vacant lot next door. His concern is that the road would not be extended through to Fenwick St. which he feels could be a detriment to the neighborhood.

Mr. Jordan also mentioned that with the new route for the Veterans Day Parade, many more cars were parked along Courthouse Drive to view the parade and many more were exiting after the parade. This would need to be addressed next year for safety reasons.

Mayor Norris thanked everyone for their comments and questions and entertained a motion to close the Public Hearing.

Councilmember Roberts moved to close the Public Hearing; seconded by Councilmember Collier, the motion passed unanimously.

Mayor Norris re-opened the regular meeting.

Councilmember Collier moved on Case # 83-10 - 41685 & 41695 Courthouse Drive - Tax Map 133, Parcel 367, Lots 1 & 2 – Request to Rezone from Commercial Office to Residential Single Family based on it being a mistake in zoning; seconded by Councilmember Roberts, no further discussion, motion passed unanimously.

Mayor Norris suggested that he meet with Mr. Beck to develop the appropriate language to include some type of architectural agreement should the property be sold.

Mayor Norris asked Ms. McKay to continue with her Town Administrator Report.

Ms. McKay continued as follows:

Signs at Port of Leonardtown Park – We are working on design of an entrance sign and a Rte. 5 road sign designating the park and the winery. We are requesting that the winery pay for one sign and the Town the other. We would like to coordinate instead of each of us having two signs. During the winery construction we bid the sign package. It did not include these two signs. The cost to the Town would be approximately \$650 and we recommend that this not be rebid but to allow D&G (the original low bidder) to produce these signs under the original bid.

Councilmember Roberts moved to approve including the two entrance signs for the Port of Leonardtown Winery under the original sign bid package; seconded by Councilmember Mattingly, no further discussion, motion passed unanimously.

Renewal of Lease for 41660 Courthouse Drive, Suite 101 – Removed from today’s agenda and will be brought forward at the appropriate time.

Mayor’s Report

Mayor Norris thanked Council Members Mattingly and Roberts for their efforts coordinating Santa on the Square over the December weekends.

Mayor Norris said he planned to do his Christmas shopping locally, in and around Leonardtown, and hoped everyone also shopped locally for their holiday gifts.

Council Reports

Events - Councilmember Mattingly

Councilmember Mattingly reported that Christmas on the Square was a huge success! Every year this event gets larger and larger, which we are all happy to see. He thanked the Sheriff’s Department, who volunteer some inmates to assist with putting up and taking down the Christmas tree in the Square and helped decorate the square. The Christmas Festival at Winegardner’s was a great event but they want to try something different next year. I heard that First Friday was a huge success and there was a large crowd of people, even with the evening being so cold.

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting/Event</u>
<i>Wednesday, Dec. 15</i>	<i>5:30 PM- 6:30 PM</i>	<i>Business Afterhours sponsored by Maryland Antique Center</i>
<i>Saturday, Dec. 18</i>	<i>11 AM-1 PM</i>	<i>Santa & Mrs. Claus on the Town Square</i>

Streets and Roads – Councilmember Wise

Councilmember Wise deferred to Mayor Norris, who reported that he, along with Ms. McKay, recently met with Bowles Farm to discuss this winter’s snow removal plan.

Capital Projects – Councilmember Collier

Councilmember Collier reported that Mr. Wheatley's report covers most of the information. He noted that gravel was being poured at the Port of Leonardtown and the new drainage system for the new parking lot is working very nicely.

Mayor Norris noted that we could focus on having the overhead lines at the Port of Leonardtown can be buried underground for safety and aesthetics for both the public park and winery. It is a costly project but we hope we can get Verizon and Metrocast to work with us.

Economic Development-Councilmember Burris

Councilmember Burris reported that there are a couple of new occupants in Town, now occupying some of the vacant buildings. We always welcome new tenants and businesses in Town. The Arts Center is moving forward. Soil Conservation is moving to a new location and renovations on the Court Square building will begin shortly thereafter. We do have three artists who are ready to move in and begin setting up their studios.

MML/SMMA – Councilmember Roberts

Councilmember Roberts reported that Leonardtown is the host of the next SMMA meeting which will take place Wednesday, January 5, 2011 at 6:30 p.m. at the Front Porch.

Mayor Norris introduced Mr. Hans Welch, Manager of Business Development for St. Mary's County, who explained that Mr. Bob Schaller asked him to stop by today to bring up the subject of working on formulating a business roundtable in Leonardtown sometime in 2011. This would be a collection of businesses to hold an open discussion.

Mr. Schaller stepped in and reiterated what Mr. Welch said and mentioned that they have worked very closely with the Town and the LBA members and we want to bring this all together in a more formal setting to generate more involvement from the professional areas; i.e. lawyers, bankers, developers, insurance agents that haven't been as involved as the retail businesses have been.

Mr. Hans Welch mentioned that they work very hard to promote Leonardtown and you may not be aware of the fact that, at this moment they are working on a couple of prospective businesses.

Mr. Welch remarked that his mother and siblings came to visit from Detroit over Thanksgiving. They arranged for dinner at Café des Artistes at 5 pm and when they arrived the streets were empty, but when they stepped out at 7 p.m. they were absolutely amazed at the mass of people and Santa was just passing by on the fire truck.

Mr. Welch also noted that the bicycle race (Criterium) is again planned to take place next year on May 15, 2011. Even with the incident last year, the race participants love to race in Leonardtown and look forward to doing so in May of 2011. Mr. Welch was just elected as President of Pax Velo and hopes that we think favorably on having them in Town again.

Councilmember Roberts stated that when we talk with other Towns, we give you as the example of working with the businesses and the community to make sure that they understand what is going on and that you know what the problems are and address them ahead of time.

Mayor Norris entertained a motion to adjourn.

Councilmember Collier moved to adjourn the meeting at 5:05 p.m.; Councilmember Burris seconded the motion, which passed unanimously.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Walter Wise, Vice President

Daniel W. Burris, Councilmember

Thomas R. Collier, Councilmember

Roger L. Mattingly, Councilmember

Leslie E. Roberts, Councilmember