



Commissioners of Leonardtown

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LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **January 10, 2011 ~ 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; Rebecca Sothoron, Treasurer; DeAnn Adler, Plans Reviewer; Teri Dimsey, Recording Secretary; Dan and SuanNie Guenther, Guenther Fine/Wine & Spirits; Loic and Karlene Jaffres, Café des Artistes; Dan Norris and Joe Orlando, LBA; Jay Friess, Enterprise; Guy Leonard, County Times; Tammy Hildebrand, SMC Alcohol Board. 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 December 13, 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 December 13, 2010 Town Council meeting minutes; seconded by Councilmember Collier; no further discussion, the motion passed unanimously.

Mayor Norris stated that Mr. Dan Norris, President of the Leonardtown Business Association (LBA) and Vice President, Joe Orlando, were present today to draw the winning entry for the Sunday Holiday Shopping Promotion.

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

Mr. Orlando explained that in order to promote shopping in Leonardtown for the holidays, we put together a promotion which involved many of the businesses to remain open for four Sundays from 11:00 a.m. to 5:00 p.m. To help with that promotion, we sent out a flyer to everyone in the 20650 zip code with a special 10% off discount offer to come shop in Leonardtown on Sunday and they could fill out an entry form to win a \$500 shopping spree to be used at any of the participating businesses. We hope this helps to generate more businesses. We had a very good turnout and some businesses were kind of surprised at the amount of Sunday business they received. Mr. Orlando reported that there are approximately 425 entries with 23 businesses participating.

Mr. Norris came forward with the basket of entries and asked Councilmember Roberts to select an entry.

Councilmember Roberts reached in and pulled out an entry. She handed the entry to Mr. Norris who announced the name of the winner as Mr. Michael Crampton in Lexington Park. Mr. Norris will notify Mr. Crampton and arrange for him to receive his \$500.00 of Leonardtown money.

Mayor Norris thanked the LBA and noted that it was a very worthwhile effort.

Mayor Norris wanted to also thank Councilmember Mattingly, along with Robert Lee and Warren Trossbach and his two sons, who volunteered to drive the sled every weekend. Their help was invaluable.

Treasurer's Report – Ms. Sothoron

Ms. Sothoron reported that no money was transferred to or from the checking account, which is a direct result from receiving the semi-annual tax payments that arrived in December and they funded all of our operating expenses.

Ms. Sothoron noted that on the financial report there are two accounts that have tracked all of the closing expenses for the Wharf and the site work after the purchase. Adjustment journal entries will be made to a CIP account as this becomes part of the cost of the property.

On the agenda today are two budget amendments on the Wharf and they are just formal approval of action that Council has already taken prior to purchase in order to make sure we could fund the Capital Expense and any ongoing debt service.

Ms. Sothoron presented Budget Amendment BJ01-11 – Wharf Property Acquisition and Budget Amendment BJ02-11 – Wharf Property Debt Service and noted that they needed formal Council action.

Councilmember Roberts moved to approve Budget Amendments BJ01-11 and BJ02-11 which modify the approved budget to reflect our acquisition of the Wharf property; Councilmember Wise seconded, no further discussion, motion passed unanimously.

Ms. Sothoron reported that we received a request from the Metropolitan Commission which reflects ongoing discussion with METCOM staff in regards to their Board formally requesting to pay off the four debt service components that relate to the treatment plant when it was constructed in 1980. We have had general discussions with staff and Council. The math has not been formally checked but she recommended that we approve their request to retire those debt service components early.

Councilmember Roberts moved to approve St. Mary's County Metropolitan Commission's request to pay off all debt service payments that reflect the inter-jurisdictional agreement between Leonardtown and METCOM dated April 25, 1980; Councilmember Wise seconded, no further discussion, motion passed unanimously.

Ms. Sothoron reported that the banking transition is underway. Ms. Post is working on a lot of year-end payroll reporting tasks. The county tax rebate is due February 10th. On the water meter project, we do a quarterly reading each month and just completed one. We have sent out another round of leak letters. We are trying to stay on schedule to bill in March but it all depends on how some of the issues that develop are resolved.

Deputy Report – Laschelle McKay

Ms. McKay reported that Deputy Smolarsky is presently on light desk duty as she continues with physical therapy sessions which will be on-going for a few months until she regains full movement.

Mayor Norris stated that as Ms. Tammy Hildebrand with the St. Mary's County Alcohol and Beverage Board is in attendance, he will move forward on the agenda to hear the case on Guenther's Bistro Liquor License Letter of Support.

Mr. Guenther came forward and introduced his wife SuanNie who will be the owner/operator of the restaurant establishment. Mr. Guenther noted that he is proposing, as owner of Guenther's Fine Wine and Spirits to reduce the size of the wine shop and open up an area immediately to the right of the store entrance, to be SuanNie's restaurant. Mr. Guenther said they were present today to seek approval for the formation of a restaurant, which will hold a Class B License.

Ms. McKay reported that Guenther's Bistro requests a Liquor License Letter of Support - Dan Guenther has revised his liquor license request to a separate restaurant license (Class B Wine and Liquor, On/Off sales). He is adding seven bistro tables and dividing the restaurant from the package store by a half wall. He will be bringing in soups and light fare and serving at sit down tables. He will be on the February Liquor Board agenda. He has also provided a letter of support from the Port of Leonardtown Winery. Mr. Guenther has obtained a Business Use and Occupancy for the Bistro and is in the process of obtaining a building permit for the changes to the physical space.

Mayor Norris inquired if these would, in fact, be two separate businesses.

Mr. Guenther responded; Yes. Mrs. Guenther will be the sole owner and operator and the liquor license will be held in her name.

Councilmember Mattingly asked if there would be two entrances.

Mr. Guenther responded there will be only one entrance and then customers will make an immediate right into the restaurant.

Councilmember Mattingly asked what would separate the alcohol sales from the restaurant.

Mr. Guenther remarked that he has been in discussions with Ms. Hildebrand and informally with the Liquor Board. The present plan is to put up a low attractive fence to lend the area a European garden look and feel and this will give Ms. Guenther controlled access. A sign will be posted informing customers that under no circumstances may they bring alcohol from the store into the restaurant nor from the restaurant into the store.

Councilmember Collier inquired about the type of items that will be on the menu.

Mr. Guenther responded they will be serving light fare: cold sandwiches, soups, salads and cheese and fruit plates. The plan is to set up for 8 indoor tables and two outside tables. They plan to be open for lunch and dinner with the hours being approximately 10:00 a.m. to 10:00 p.m.

Councilmember Collier asked how many employees will be working there.

Mr. Guenther replied that Mrs. Guenther will be the sole employee of the restaurant. There will be two separate cash registers, one for the store and one for the restaurant, but they may be run by the same employee of the store and restaurant. We are starting small and Mrs. Guenther feels that she can operate this at this time and we will obtain additional help if needed.

Councilmember Mattingly stated that the two restaurants on each side of the establishment both serve wine and liquor and lunch and dinner; and asked if opening a restaurant next door was fair to these establishments

Mr. Guenther commented that he felt it would actually help their businesses as the more people who come into this shopping center the better. It helps increase volume and more volume means more sales. It also provides customer with diversity of food for different tastes.

Councilmember Burris asked how their preparation facilities are set up.

Mr. Guenther stated that the Health Department had been out and approved our plan. We are required to have a dishwasher or set up a three compartment system, which is what we will be using. The only items that will be washed will be the wine glasses. All other items are disposable.

Council had some discussion regarding grease traps which are not necessary for this restaurant at this time but if the restaurant increases in size or had significant changes in the menu, it will need to be addressed.

Councilmember Mattingly asked if he would be able to order a mixed drink.

Mr. Guenther responded yes, that the license for this establishment will be a Beer, Wine and Liquor (BWL).

Ms. Hildebrand stated that what Mr. Guenther is proposing is going to be a challenge for him to explain to the Board; how he is going to keep the two establishments separated, especially when he has wine tastings in the wine shop and how he is going to control his patrons from/to each establishment. The Alcohol Board will require some assurance that they can police this well. She also mentioned that she did not recall the mention of two additional tables outside and that will need to be included in the proposal to the Board. It is unique and if this is approved, it will be the only one of its kind in St. Mary's County.

Mr. Guenther noted that he will be tightly controlling his patrons coming and going and during wine tastings he stands at the front door and will be monitoring. He went on to describe where the outside tables would be located in the front and noted that the outside tables will have ample room for pedestrians to pass by.

Mr. Guenther stated that what Mrs. Guenther is asking for is a BWL with only on premises; no alcohol will be sold off premises from that restaurant. Blue Wind has an on/off site BWL. Mrs. Guenther is requesting a BWL for the restaurant.

Ms. McKay responded that previously Mr. Guenther had requested on/off sales and this can be stipulated in the motion and the accompanying letter to the Alcohol Board if desired.

Mr. Guenther remarked that no sales will be coming from the restaurant and also the fine wine and spirits store will be reduced in size.

Mayor Norris noted that there are still a lot of questions that will need to be answered for the Alcohol Board. Council will need to decide if they are willing to endorse this new concept. The other issues will be up to the final approval from the Alcohol Board.

Councilmember Burris stated that he feels the marketplace dictates competition. When they first came to us we had some concerns with approving a Tavern License. As this is no longer a Tavern License and a different owner, he does not have any objections at this time.

Councilmember Mattingly mentioned that other liquor stores may want to do the same or a similar concept and he is concerned about future requests.

Councilmember Roberts stated that the Class D License request was an issue. Controlling this space will be a challenge on a daily basis but will provide approval for the Class B License for the restaurant.

Mayor Norris noted that he agreed that keeping the two establishments separate will be challenging.

Councilmember Wise remarked that they should be given an opportunity to try.

Councilmember Roberts moved to send a letter to the Alcohol Board indicating that Council is not opposed to Mrs. Guenther opening a restaurant with a Class B, Beer, Wine and Liquor on-site sales only, within Mr. Guenther's Fine Wine and Spirits store seconded by Councilmember Burris, no further discussion, four ayes and Councilmember Mattingly opposed, motion carried four to one.

Mayor Norris asked Ms. McKay to continue with the Town Administrator's report.

Town Administrator Report – Laschelle McKay

Café des Artistes Liquor License Letter of Support- The Café is requesting an expansion of their outdoor seating license. Now that the sidewalk is wider they added a few more tables and need to go back to the Liquor Board to add the additional tables to their restaurant license.

Mayor Norris invited Karlene and Loic Jaffres to present their case before Council.

Ms. Jaffres explained that they were advised from the Alcohol Board that the tables out front on the new patio side were not covered under their existing Alcohol License. To bring them into compliance, they are required to go before the Alcohol Board to request that their license be extended to serve alcohol and food to the additional five tables and to seek a letter of recommendation from the Town.

Councilmember Roberts stated that they needed to ensure that the access to the sidewalks were open and clear to provide the necessary room for wheelchair access according to the ADA requirements.

Councilmember Collier agreed with the importance of providing clear wheelchair access.

The Jaffres responded that both the Fire and Health Department did an inspection and gave them approval.

Councilmember Burris moved to approve sending a favorable letter of recommendation for Café des Artistes to an extension of the premises with additional tables; seconded by Councilmember Wise, no further discussion, motion passed unanimously.

Planning Report – DeAnn Adler

Ms. Adler reported that no cases were heard last month.

Due to the Martin Luther King holiday on Monday, January 17th, the Planning and Zoning meeting will be held on Tuesday, January 18, 2011. One case is scheduled to be heard.

Case # 83-10 41685 & 41695 Courthouse Drive - Tax Map 133, Parcel 367, Lots 1 & 2 – Request for subdivision of Lots 1 & 2 and boundary line adjustment for Lot 3 for Mr. Beck’s recently rezoned property on Courthouse Drive.

Ms. Adler remarked that she attended the Governor’s forum on Sustainability at Chesapeake College in Wye Mills, Maryland.

Mayor Norris asked Ms. McKay to continue with the Town Administrator’s report.

Town Administrator Report – Laschelle McKay (continued)

Resolution 3-10 Approving the rezoning of Courthouse Square properties- At the December 13, 2010 meeting the Town Council approved the rezoning of the two parcels at Courthouse Square from C-O to R-SF Zoning. It is required that an official resolution be passed once a property is rezoned for the record.

Councilmember Roberts moved to approve Resolution No. 3-10; seconded by Councilmember Collier; no further discussion, motion passed unanimously.

Church Street Tower follow up recommendation- At the October 11, 2010 Town Council meeting it was decided and confirmed at the November 8, 2010 meeting to demolish the Church Street water tower and extend a new water line to the Tudor Hall tower. Staff has been working on a recommendation on the process for the construction. We are recommending using AB& H to construct a 16 inch waterline under our current water and sewer contract, which would be the most economical. We are recommending bidding the demolition of the Church Street water tower. We have a proposal from GHD to assist in the bid document preparation and oversight of the demolition. There are a number of liability issues that we believe this process will protect the town from. I have attached an overview of the estimates and back up documentation. We need action to proceed with this recommendation, including the Task Orders 3 and 4 for GHD’s assistance. AB&H is constructing the new water line and Little Silences Rest (LSR) is preparing a survey and stakeout. We still have to determine if an MDE permit is required. That will determine the level of effort by GHD under task order #4 and LSR for the survey.

Councilmember Collier moved to approve the demolition of the Church Street water tower and the extension of the new water line to the Tudor Hall tower as recommended by staff; Councilmember Wise seconded, no further discussion, motion passed unanimously.

Mayor’s Report

Mayor Norris reported that he and several other Council Members attended the Annual Leonardtown Volunteer Fire Department Installation and offered congratulations to Mr. Gary Bell as the incoming President, along with Mr. Bell’s mother who will serve as President of the Auxiliary. And, a great thank you to the outgoing officers, Kit Pilkerton and Wayne Miedinski.

Council Reports

Events - Councilmember Mattingly

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Monday, Jan 17		Town Office closed
Monday, Jan 17	7-10 AM	Martin Luther King, Jr. Prayer Breakfast @ St. Mary's College
Wednesday, Jan. 19	11:30 AM	Chamber Membership Luncheon @ Outback Steakhouse (RSVP by Jan. 14 th)
Saturday, Jan. 23	6:00 PM	Leonardtown Vol. Rescue Squad And Auxiliary Dinner & Installation of Officers and Award Banquet @ Fire House
Wednesday, Jan 26	5:30 PM	Chamber Business After Hours Hosted by North End Gallery
Friday, Feb. 4 th	5-8 PM	First Friday in Leonardtown

Economic Development – Councilmember Burris

Councilmember Burris reported that there is a meeting scheduled today for the Leonardtown Arts Center. We have several artists very interested in setting up a studio and we hope to open in February. We also have some new customers seeking office space in Leonardtown.

Streets and Roads – Councilmember Wise

Councilmember Wise reported he is waiting on upcoming snow reports to determine snow removal needs.

Capital Projects – Councilmember Collier - No Report

MML/SMMA – Councilmember Roberts

Councilmember Roberts reported that everyone from the other Towns was suitably impressed with our meeting. The dinner at the Front Porch was excellent and providing them with a wine glass from the Port of Leonardtown Winery, along with a sample tasting of a few select wines was very special. Ms. McKay did a great presentation on the winery and “How it came to fruition” and a thank you to Ms. Dimsey for coordinating the event. The next meeting is not until March and will be hosted by the Town of North Beach and they expect their new Town Hall to be completed at that time.

Mayor Norris entertained a motion to adjourn.

Councilmember Collier moved to adjourn the meeting at 5:00 p.m.; Councilmember Mattingly 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