



# Commissioners of Leonardtown

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LASCHELLE E. McKAY  
Town Administrator

DANIEL W. BURRIS  
Mayor

## **Commissioners of Leonardtown** **Town Council Meeting Minutes** **May 14, 2012 ~ 4:00 pm**

Attendees: Daniel W. Burris, Mayor  
Thomas R. Collier, Councilmember  
Hayden T. Hammett, Councilmember  
J. Maguire Mattingly, Councilmember  
Roger L. Mattingly, Councilmember  
Leslie Roberts, Councilmember

Also in attendance were: Laschelle McKay, Town Administrator; Teri Dimsey, Recording Secretary; Rebecca Sothoron, Treasurer; Jackie Post, Fiscal Clerk; John Wharton, Enterprise; Jan Norris, Resident; Mary Agnes Buckler, Resident; John/Sharon Connelly, Resident; Michael E. Mattingly, Resident; George Abell, Resident; Joan Williams, Clerk of the Court; Gil Moore, Resident; Hilda May Gatton, Resident; Herb Winnik, Resident; Bernard Hazelwood, Metrocast Communications; Phyllis Broms, Resident; Donna Burris, Resident; Erin Gruman, Resident; Renn Grover, Leonardtown Sunoco. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Norris congratulated newly elected Mayor Dan Burris and introduced Ms. Joan Williams, St. Mary's County Clerk of the Court, who will swear in Mr. Burris.

Ms. Williams asked Mr. Burris to raise his right hand and to repeat the oath after her and swore in Mr. Burris and offered her congratulations.

Outgoing Mayor Norris turned over the gavel to incoming Mayor Burris.

Mayor Burris invited Hayden Hammett and Jay Mattingly to come forward to be sworn in. They both raised their right hand and repeated the oath of office as instructed. Mayor Burris, Council Members and audience offered their congratulations.

Mayor Burris moved on to the next order of business.

### **Special Proclamation from the Governor, Martin O'Malley**

Mayor Burris stated that before we let former Mayor Norris go, we have Mollie Byron, Capital Region Coordinator representing the Governor's office, to award J. Harry Norris with a Proclamation.

Ms. Bryon remarked that the Governor asked her to represent him and noted that Mayor Norris served the Town of Leonardtown for an impressive 27 years. She read the Governor's Citation aloud for all to hear and thanked Mayor Norris on behalf of the Governor and the State of Maryland for his service.

Mayor Norris thanked Ms. Bryon, asked her to relay his thanks to the Governor and expressed his gratitude to everyone for their support over these many years.

Mayor Burris moved on to the next order of business.

### **Leonardtown Lions Club Proclamation for Sponsorship of the Crab Festival**

Mayor Burris invited the Leonardtown Lions Club members to come forward to accept a special recognition of the 27<sup>th</sup> Annual Crab Festival which is hosted by the Leonardtown Lion's Club and he read the Proclamation out loud for all to hear and congratulated the Lions.

Mr. Bob Schaller presented Mayor Burris and Council Members with tickets to attend the Crab Festival and thanked them for this recognition and support over these many years.

Mayor Burris moved on to the next order of business.

### **Approval of Minutes**

Meeting minutes for the April 9, 2012 Town Council meeting were presented for approval.

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

**Councilmember Roger Mattingly moved to approve the April 9, 2012 minutes as presented; seconded by Councilmember Jay Mattingly, motion passed unanimously.**

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

Ms. Sothoron reported that this past month no transfers were necessary to or from the checking account. We are 84% through the budget year. The next quarterly income tax distribution will be in May. We were eligible for FEMA assistance after the damage assessment from Hurricane Irene and we have received part of that and will receive another payment in May. The server upgrade will occur this month. We are working on a new property tax form. We are planning to have a public hearing in June for the FY13 Budget and are suggesting Tuesday, May 29 at 3:00 p.m. for the first budget workshop.

One last item is the Goode Trash contract, which we extended this past March, but during the negotiations they broached the subject of going to once a week trash pickup. We surveyed our customers and there is not enough support at this time to change from twice to once a week. With your consensus we will continue at twice a week service.

**Mayor Burris asked for consensus from the Council Members, which they gave.**

Another development is the tipping fee at the Calvert landfill has been increased and Goode can, per the contract, request a change due to that variable, which is a cost out of their control.

**Planning & Zoning Report**– DeAnn Adler

The Planning and Zoning meeting last month was held on April 16, 2012. We had one case on the agenda.

**Case #37-12 - Cedar Point Federal Credit Union's New Building** which will be located in the Leonardtown Center - between the Family Dollar and Dr. Patel's office building. This request for concept approval received unanimous approval.

This month's P & Z meeting is scheduled for May 21, 2012. We have two cases on the agenda this month:

**Case #45-12 Boundary Line Adjustment Plat - Lots 256 through 258 at Leonard's Grant Phase 5a**

**Police Report** - Deputy Smolarsky

Deputy Smolarsky stated that she provided Council with a written report. She noted that the Hospice Walk was held and went very well. The Sheriff's office does quarterly reporting through COMSTAT and it shows that in Leonardtown, overall crime is down. Vandalism was up but we do have some suspects and this is a good time to remind everyone to lock their cars and homes. Unfortunately we have seen a spike in accidents along Rt. 5 and we will again be doing a traffic study to determine what we can do to help alleviate accidents.

**Town Administrator Report** – Laschelle McKay

**Liquor License Letter of Support for Leonardtown Sunoco-** The owner of Leonardtown Sunoco, Mr. Vishnu Grover, has requested changing the name on their liquor license to his daughter in law, Renu Grover's name. The license will remain a Class A-1 license but will be t/a Highway Liquors, Victor, LLC instead of Leonardtown Sunoco, Rahuls Corp. The Alcohol Beverage Board requires a letter of support from the Commissioners of Leonardtown for changes or additional liquor licenses granted in the Town of Leonardtown.

**Mayor Burris entertained a motion on the Liquor License Letter of Support.**

**Councilmember Collier moved to send a letter of support for a name change; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.**

**Award Church Street Water Tower Rebid-** This project was originally publicly bid in January of 2012. Twelve prospective bidders requested packets but only one company submitted a bid. Environmental and Demolition Services, Inc. out of Baltimore, using a subcontractor Allstate

Tower to do the actual demo, bid was \$83,670. We made some clarifications to the bid packet and rebid the project. The bids were opened on April 24<sup>th</sup>. We received three bids. See the attached recommendation from GHD recommending awarding the contract to the lowest bidder in your packets, Kosinski Demolition, Inc., in the amount of \$22,500.

**Mayor Burris entertained a motion on the Church Street Water Tower.**

**Councilmember Hammett moved to approve awarding the bid to Kosinski Demolition; seconded by Councilmember Jay Mattingly, no further discussion, motion passed unanimously.**

**Award West Fenwick Street Paving Bid-** This is the final work on the West Fenwick St. project. We publicly bid the asphalt work and received three bids. Please see the attached recommendation and overview from Tony Wheatley in your packets. Staff recommends awarding the bid to AB&H in the amount of \$23,379. The alternate bid is for the parking lot and alley between Good Earth and Printing Press. This project, if pursued, would be paid for by the Wheatleys, who own the property, not the Town.

**Mayor Burris entertained a motion on the West Fenwick Street Paving.**

**Councilmember Collier moved to approve awarding the bid to AB&H; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.**

**Award Lawn Care Maintenance Contract-** This contract was up for renewal and was publicly advertised for bid. Four companies picked up bid packets. We have completely revised the site descriptions. Many new sites have been added such as the Wharf, Port of Leonardtown, streetscape and Leonard's Grant Parkway since the last bid in 2007. In reviewing site by site with Bill Wood we were able to cut back in some areas that are not as visible by the public and then added the new sites. The contract is for a three year term with two one-year options beginning July 1, 2012. One bid was received from Woodlawn Lawn Care. The first year price is \$107,300. Mr. Wood has also attached a letter offering \$2,000 per year in free services toward any project we request. Staff recommendation is to award the contract to Woodlawn Lawn Care. Mr. Wood has done an incredible job for the last 15 years or so.

Councilmember Roberts noted that Mr. Wood loves this Town as much as we do and he shows his appreciation through his lawn care throughout the Town.

**Councilmember Roger Mattingly moved to approve awarding the Lawn Care Maintenance contract to Woodlawn Lawn Care; seconded by Councilmember Roberts, no further discussion, motion passed unanimously.**

Ms. McKay reported that GHD did complete the final ENR report and it has been submitted to MDE. We will be requesting a meeting with them after they have a chance to review it. It does have a new updated schedule. Design completion will be early 2013, bid award in late 2013 with completion in September 2015.

Ms. McKay stated that the State Highway Route 5 widening project still has four options that SHA is looking at but no money is available in the budget for engineering or construction. However, they have set two public hearing dates. The first one is by invitation only on Wednesday, May 30<sup>th</sup> at the Governmental Center from 2:00 to 4:00 pm and from 6:00 to 8:00 pm and will be inviting residents and commercial property owners along the corridor to answer their questions and review the possible scenarios.

The second meeting will be held on Thursday, June 28<sup>th</sup>, at Leonardtown High School and that will be a public meeting for anyone to attend.

**Mayor Report** – Mayor Burriss

Mayor Burriss noted that St. Mary’s County Commissioner Dan Morris is in attendance today. He thanked Mr. Morris and the audience for attending today’s meeting.

Mayor Burriss stated that for the moment the Council Reports will remain the same but may be revised in the future.

**Council Reports**

**Events** – Councilmember Mattingly

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

<u>Date</u>	<u>Time</u>	<u>Event/Meeting</u>
Saturday, May 19	10:00 AM	Cystic Fibrosis Great Strides 5K Walk @ Leonardtown Wharf
Sunday, May 20	POSTPONED	Big Brothers/Big Sisters Food and Arts Festival at the Wharf
Saturday, May 26	6:00 PM – 9:00 PM	Downtown Tunes in the Square
Monday, May 28	HOLIDAY	Offices Closed
Friday, June 1	5:00 PM	First Friday in Leonardtown
Sunday, June 3	8:00 AM – 5:00 PM	Bicycle Criterium
Friday, June 8	8:30 AM	LBA Meeting @ TBD
Saturday, June 9	11:00 AM – 9:00 PM	Crab Fest @ SMC Fairgrounds
Tuesday, June 12	5:30 PM	Chamber Annual Meeting @ Leonardtown Volunteer Fire Dept. Mayor Norris to receive Public Servant Award
Thursday, June 14	6:00 PM	Flag Day Celebration @ Governmental Center

Ms. McKay remarked that the St. Mary's Chamber of Commerce meeting invitation arrived in today's mail inviting the Council as they will be honoring former Mayor Chip Norris with a Public Servant Award on June 12 at 5:30 pm at Leonardtown Fire Department.

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

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

**MML/SMMA – Councilmember Roberts**

Councilmember Roberts stated that she served as President of the Southern Maryland Municipal Association Chapter of MML for the 2011-2012 term with Council Member Roger Mattingly serving as Vice President and Ms. Dimsey serving as Secretary. She turned over the reins to the Town of North Beach for 2012-2013 term during the May 7<sup>th</sup> meeting. We did get a nice wrap up on the General Assembly and some key legislative items and the impacts on Towns.

Mayor Burris stated that it is 4:45 pm and entertained a motion to close the regular meeting and open the Public Hearing on Resolution 2-12 – Cable Television Franchise Renewal.

**Councilmember Roger Mattingly moved to close the regular meeting and open the Public Hearing; Councilmember Hammett seconded, motion passed unanimously.**

Mayor Burris opened the Public Hearing and asked Ms. McKay to provide an overview.

**Public Hearing –Resolution 2-12 Cable Television Franchise Renewal- Cable Franchise Renewal Discussion:**

Ms. McKay reported that the minutes from the December 12, 2011 meeting give a brief overview of the history and items for discussion. Metrocast has agreed to Leonardtown being one of three towns in the eastern United States to be set up with hotspots for wireless users. They have also offered to provide internet to the town office and the WWTP. We will provide more details at the meeting and have received no other feedback. This public hearing is required to receive public input. At the June meeting we will take action in the form of Resolution 2-12 to renew the franchise agreement.

Mr. Bernard Hazelwood, General Manager of Metrocast, is here today to answer any questions.

**Excerpt from December 2011 Town Council minutes:**

In October of 1996 a public hearing was held and an ordinance was passed on February 10, 1997 granting Gans Communications, L.P. dba Metrocast Communications (previously American Cable TV) a fifteen year franchise for cable services within the town of Leonardtown. This franchise will be up for renewal on May 31, 2012. The franchise is non exclusive and gives Metrocast the authority to use public rights of ways for installation of equipment needed to provide essential public services to Leonardtown residents. Should another company desire to provide service in the area they could also be granted a franchise. St. Mary's County has a similar 15 year franchise agreement with Metrocast and also with Comcast in the north end of

the County. We wanted to start some dialogue for some direction for moving forward with renegotiation of the franchise agreement. There are a few items to point out for your consideration and any ideas from the Town Council are welcome as we move forward.

- Currently we receive a 3% franchise fee from the agreement. The fee is received quarterly. This fee is passed directly to the consumer. The maximum fee by law is 5%, which is what the County receives. We can receive this fee on all services except internet, even ads placed by local merchants. We need to decide if we are going to keep it at 3%. We budgeted \$23,000 this year and received \$23,805 in FY10 and \$25,017 in FY11.
- We currently receive cable service for the Town office at no cost per the franchise agreement. Our internet is DSL through Verizon as well as our phone service. Metrocast provides all phone service to County buildings through their agreement (the County does pay for the service). Metrocast will be giving us a proposal to see if there are cost savings possibilities.
- We have spoken with their representatives about the possibility of adding WIFI in the Town Square and at the Wharf as part of the franchise agreement. We need wireless at the Wharf to get the new cameras installed and we have discussed being a wireless downtown previously so we may be able to get it as part of the franchise.
- In the early 2000's we received a number of complaints on service. In recent years we have not received any complaints. Many upgrades have been completed by Metrocast in the area in recent years.
- Leonard's Grant was Metrocast's first fiber optic neighborhood and it has gone very smoothly. We have discussed all the future developments in Town and they plan on making them fiber optic neighborhoods as well.
- You have received a handout that the County provides that explains the Cable Services process. The rules and basic franchise are the same for the Town.

Mayor Burris invited Mr. Hazelwood to add any comments.

Mr. Hazelwood thanked the Mayor and Council and the Town for moving forward with the franchise and giving Metrocast the opportunity to provide and expand their services within the Town.

**Mayor Burris asked if anyone had any questions or concerns. There being none, he entertained a motion to close the public hearing and re-open the regular meeting.**

**Councilmember Roger Mattingly moved to close the Public Hearing and re-open the Regular meeting; seconded by Councilmember Roberts, motion passed unanimously.**

Ms. McKay stated that this Resolution will come back before Council at the June meeting for approval.

Councilmember Roger Mattingly remarked that Mr. Wheatley, along with Mr. Lacey and Mr. Shepherd restriped the road within the Singletree Community and many favorable comments and thanks were received.

Mr. Dick Hammett commented that he had a concern about the pollution in the McIntosh Run area and wanted to see if some exploratory efforts could be made to look into a cleanup of the area.

Mayor Burris asked Ms. McKay to look into this issue and report back to Council on what the issues are and what if anything we can do.

Mayor Burris entertained a motion to adjourn.

**Councilmember Collier moved to adjourn the meeting at 4:58 p.m.; Councilmember Roger Mattingly seconded the motion, which passed unanimously.**

Respectfully Submitted:

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Teri P. Dimsey

**Approved:**

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Daniel W. Burris, Mayor

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Thomas R. Collier, Councilmember

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Hayden T. Hammett, Councilmember

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J. Maguire Mattingly IV, Councilmember

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Roger L. Mattingly, Councilmember

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Leslie E. Roberts, Councilmember