



Commissioners of Leonardtown

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DANIEL W. BURRIS
Mayor

LASCHELLE E. McKAY
Town Administrator

Commissioners of Leonardtown Town Council Meeting Minutes August 12, 2013

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

Also in attendance were: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Teri Dimsey, Secretary, Jackie Post, Fiscal Clerk; Dr. Winnik, Resident; Wayne Davis, W.M. Davis; Nicole Clark, Enterprise; and Laura Clarke, LSA. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Burris stated that the first order of business was the invocation and Pledge of Allegiance.

Approval of Minutes

Meeting minutes for the July 8, 2013 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 July 8, 2013 minutes as presented; seconded by Councilmember Thomas Collier; motion passed unanimously.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that as this is the beginning of the new budget year there is not a lot of financial information to report but an updated draft of the fiscal year 2013 information is included in your packet. We continue to receive invoices and receipts that apply to that year. There were no cash transfers during the month of July. Tax bills were mailed out to approximately 1,300 accounts. Printing Press did an outstanding job of printing the bills, folding and stuffing them into envelopes in a very short timeframe.

Approval is needed today for a slight modification in the trash service charges. During the budget process I assumed a 2% increase but the escalation clause in the trash contract dictates that we use June's CPI data and that data was not known at the time we adopted the budget. It turned out that it was 1.8%. Therefore we are making a change for a slightly lower trash rate

which requires Council's approval. If approved, this new rate will be reflected in the invoices that will be mailed out in September.

Councilmember Collier moved to approve the trash rate increase of 1.8% versus the 2% originally budgeted; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.

Planning & Zoning Report – DeAnn Adler

Last month's Planning and Zoning meeting was canceled as we had no items on the agenda.

This month's Planning and Zoning meeting will be held on Monday, August 19, 2013. We have two cases on the agenda to be heard:

Case # 14-05 - Clark's Rest Project - Tax Map 127, Parcel 514, Grid 1 – Request recommendation to Town Council for approval of minor changes to the site plan and request for architectural approval of home elevations.

Case #17-13 (A) – The Davis Office Park Addition – 23511 Hollywood Road – Tax Map 032, Block 12, Parcel 342 - Request for concept plan approval and a variance request recommendation.

Police Report

Mayor Burris stated that Deputy Smolarsky is unable to attend the meeting today but did provide a written report.

Town Administrator Report – Laschelle McKay

Approval of Extension of Wharf Restaurant RFP Deadline - Numerous copies were sent out of the RFP for the Wharf Restaurant working with St. Mary's County and the Maryland Department of Business and Economic Development. To date, we have had no responses. The original deadline was July 30, 2013. Steve Anderson with the County Economic Development suggested extending the deadline to December 30, 2013. In this economy companies are taking a long hard look at finances and need more time to do that. Consensus is needed to extend the deadline to 12/30/13.

Council gave consensus on extending the RFP deadline to 12/30/13.

Overview of Port of Leonardtown Park and Winery Grants- As previously announced the Town received a \$163,000 grant for Phase II of the Port of Leonardtown Park. These funds will be matched by the Town for a total budget of \$326,000. The funds are to be used to complete the parking lot, add bathroom facilities to the storage building, to complete the pavilion, build a bridge across the McIntosh Run (which would also require a study to be done), additional landscaping and benches and a retaining wall for the parking lot area by the winery.

The Southern Maryland Agricultural Development Commission has approved an additional grant in the amount of \$27,225 for additional improvements to the winery/storage facility. We will be

coordinating overlap as the construction is funded by both grants. The recommendation is to complete the parking lot work and retaining wall as the highest priority and then come back to decide what additional work will be done. Consensus is needed to approve the work to be done either under the AB&H contract or by contractors that were used previously for part of the work. We bid the original grant work for the winery and then the second grant last year used the same contractors from that original bid. Consensus is needed to continue with the parking lot/retaining wall work first and also to use the same process as before for the contracted work.

Councilmember Hammett inquired about studies done on the cost of building the bridge.

Ms. McKay responded that it was approximately \$27,000.

Councilmember Roger Mattingly commented that the \$27,225 was a non-matching grant.

Ms. McKay responded that is correct.

Council gave consensus on moving forward with the Leonardtown Park and Winery Grant funds for improvements as discussed and utilizing the Town's contractors, AB&H, or others previously used as necessary.

Upcoming Arts and Entertainment Designation Event- The September 6th First Friday event will be celebrating the Arts and Entertainment Designation. The event will be held from 5-8 p.m. with a short program at 5:30 p.m. and in the event of rain the event will be held on Saturday, September 7.

Mayor Burris announced that it is 4:15 p.m. and entertained a motion to close the regular meeting and open the Public Hearing.

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

Mayor Burris asked Ms. McKay to provide background information.

Resolution 4-13- Annexation of Davis Office Park- 23511 Hollywood Road- This resolution was introduced last month. The public hearing was advertised two different weeks. Maryland Dept. of Planning, St. Mary's County Land Use and Growth Management and Tri County Council were notified 30 days in advance of the public hearing. All adjacent property owners were notified by certified mailings.

St. Mary's County Commissioners authorized a letter on August 6, 2013 stating that they had no issue with the annexation and approved the zoning category of Commercial Office which is very similar to the County's RMX zoning that the property is currently zoned. We have not received any other comments to date.

Mr. Davis plans to build a third office building, which was on the original concept plan in the County. He will need a variance if the annexation goes through as any buildings over 10,000 sq.

ft. in C-O need a variance and he is proposing an 11,520 sq. ft. building at the rear of the property. The existing buildings are 9,796 and 9,300 sq. ft.

A copy of the Annexation Plan was reviewed along with the Resolution by the Town Attorney. Highlighted in red is possible language for requiring a sidewalk to be built in the future. If this addition is desired it would need to be part of the motion for passing the annexation resolution. If the resolution is approved the annexation would be final 45 days after the approval.

Mr. Davis remarked that the original concept plan was to include the building of a third building but only two were built due to the economy at the time. We now have interest from the hospital for rental space for medical facilities and we also have interest from a government contractor out of Washington, DC that is considering opening an office in Leonardtown.

Ms. McKay noted that the main reason for the annexation is that there is not any additional sewer capacity available outside of the Town's boundaries.

Mayor Burriss opened the floor up for any comments.

Dr. Herbert Winnik asked what this would cost the Town and how this benefits the Town.

Ms. McKay responded that there really is not a cost to the Town but there would be an increased tax income for the Town. Once they do hook up to our sewer system they will then begin to pay the Town for sewer fees and if they eventually hook up to our water lines they would then pay the water fees.

Mayor Burriss noted that Mr. Davis will be responsible for paying for the cost of hooking up to our system along with the impact fee.

Mayor Burriss entertained a motion to close the Public Hearing.

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

Mayor Burriss asked Council Members if they had any questions or concerns.

Councilmember Hammett inquired about the two EDUs that the County has for this site.

Ms. McKay remarked that these EDUs belong to Metcom but we will request to transfer them over to the Town as we have done with past annexations.

Councilmember Roberts remarked that she is leaning against voting for this annexation as it is not in keeping with the Town's current focus. The Town's focus has been on in-fill projects that are currently in need of being addressed. There are several properties that are in the Town's limits that either need to be torn down or renovated. As we are asking these people to come into Town and invest a million dollars and plus down at the Wharf, our focus should be more on

addressing the problems within the Town limits as opposed to extending the town limits by annexing in more property.

Mayor Burris noted that this is coming in as commercial office and sets the tone for other adjacent properties who may consider annexation.

Ms. McKay reported that there had been some discussion about if the sidewalk is extended in the future along Hollywood Road, W.M. Davis Inc. should agree to build the portion of sidewalk along the frontage of the Davis property at the sole expense of Mr. Davis. If we are able to get SHA to build a sidewalk to Leonard's Grant, there would be three other properties in between Mr. Davis' property and Leonard's Grant that would need to be connected as well. This language would need to be added to the annexation plan and noted in today's motion if so.

Mr. Davis agreed to this language in the annexation plan.

Councilmember Hammett inquired if there is sufficient well capacity on-site to provide water until such a time as they may hook up to the Town's water system.

Mr. Davis responded yes.

Mayor Burris entertained a motion on the annexation, Resolution 4-13.

Councilmember Collier moved to approve Resolution 4-13- Annexation of Davis Office Park at 23511 Hollywood Road into the Town of Leonardtown to include the comments written in the annexation plan regarding the sidewalk; seconded by Councilmember Jay Mattingly, four Council Members approved, Council Member Roberts opposed, motion passed.

Mayor Burris asked Ms. McKay to provide background information for the second public hearing.

Ms. McKay provided background information on **Resolution 5-13- Community Legacy Application for South Washington Street Sidewalk Improvements**- A public hearing is scheduled today at 4:30 p.m. to receive public comment on a proposed grant application to add a sidewalk on the west side of Washington Street from Courthouse Drive to the Wharf. All contiguous property owners were sent certified mailings of the public hearing advertisement. The application amount is \$88,564.50. The Town match would be \$80,435.50 plus \$8,129.00 in-kind grant and construction management.

The plan would be to have a survey done first if we get the grant. Then decide exactly what would be installed. This covers our estimates from Courthouse Drive to Lawrence Ave. and then from Lawrence Ave. to Godwin Way. Improvements are proposed just on the west side of the street. If the grant is approved, matching money would be needed from the FY15 capital budget item.

Councilmember Roberts inquired as to how many years we have to use a grant like this.

Ms. McKay responded it is usually two to three years. We would be required to submit progress reports.

Mayor Burris entertained a motion to close the regular meeting and open the Public Hearing.

Councilmember Roberts moved to close the regular meeting and open the Public Hearing; seconded by Councilmember Roger Mattingly, motion passed.

Mayor Burris opened the floor up for any comments or questions.

Dr. Herbert Winnik read a letter from him directed to the Maryland Department of Housing and Community Development, dated July 10, 2013. I am a resident of Leonardtown, having lived here since 1972 and am also the Chair for the Leonardtown Board of Appeals. I have learned that the Town is submitting an application to you to install sidewalks and a bike path on the west side of Washington Street. I support this proposal for the following reasons: A. Paving of the street which now has black lines all over it to cover early markings the result of which is very confusing and looks poorly. B. The existing style on the east side is narrow and barely allows two people to walk abreast and often you see the second person actually walking in the street. C. A new sidewalk will make it clear that there is no parking along Washington Street hill as it will narrow the road while giving it a nice wide walkway. If you have any questions, please contact me.

Dr. Winnik noted that he has one concern and that is will the road be milled?

Ms. McKay responded yes.

There being no further comments, Mayor Burris entertained a motion to close the Public Hearing.

Councilmember Roberts moved to close the Public Hearing and re-open the regular meeting, Councilmember Collier seconded, motion passed.

Mayor Burris asked for any comments or questions from Council.

Councilmember Mattingly asked how this would affect the sidewalk project we had planned for Lawrence Avenue. The concern is that we have \$88,000 in grant funds and that money could be used to improve the sidewalks along Lawrence Avenue which we had planned to do in the first place.

Mayor Burris remarked that that is true. In our capital budget for 2015 which is the same year as the improvements we are speaking of, we would not do as many improvements along Lawrence Avenue. But that is contingent on whether we do get the grant then it would be a Council vote to make that decision as to which is the highest priority at that time. Originally, when Lawrence Avenue was brought into the capital budget, we were hoping to place a library on the corner property of Lawrence Avenue and if the County was going to make that kind of investment we

felt we needed to make that investment also. There are some sidewalk areas along Lawrence Avenue that need to be attended to quickly and we do have money in the streets and roads maintenance budget that we can use to do those repairs this year.

Councilmember Roberts noted that when we voted on the budget in June, it had the Lawrence Avenue project in it and we knew then that the library was not going to happen and we still voted to put that in the budget. Would you address the scope of the costs for \$96,000 for 2015, \$170,000 for 2016 and \$96,000 for 2017?

Councilmember Collier responded that it was broken down into three sections and those estimates were based on doing both sides and redoing the road all at once a section of a block or two at a time in phases.

Councilmember Roberts remarked that during the July meeting she thought that Council's understanding was that if we got the Sustainable Communities designation we would not have to apply the matching dollars and that was part of the reasoning for going ahead with the grant was because we did not expect to have to do that match.

Councilmember Hammett asked if the Sustainable Communities designation would change anything about this proposed project.

Ms. McKay remarked that you have to have the Sustainable Communities designation to be able to apply for this. The original deadline was July 15, 2013 and we had hoped to have the Sustainable Communities designation at that time. We are grandfathered in and have until December for our application to be accepted. The Wharf hill is already designated as a Community Legacy area from a previous application which is why we can already use that area. And, as Lawrence Avenue is not a Community Legacy area we could not apply for a grant for it right now.

Councilmember Collier stated that this does not prevent us from applying for funds for Lawrence Avenue in the future.

Ms. McKay noted that we have funds to make any necessary repairs at this time. There will still be about \$16,000 left from what we have allocated for next year but if we get additional highway user funds we will have to see how that comes into play. For FY16 we have \$106,000 to go towards the Lawrence Avenue project.

Councilmember Roberts remarked that originally we had a plan for those sidewalks. When we talked about doing the grant at the meeting the vision was that we would have five foot sidewalks, two to three foot landscape green spaces, curbing and light fixtures to match the ones in Town. After doing the measurements, the only way we can follow that plan is if we do section two and section three at the same time. It does not appear that we will be able to do either project we planned to follow the vision we set of five foot sidewalks, with a green space, curbing and the matching lighting.

There was some discussion regarding this topic and it was determined that a survey would be needed to know what is possible, and then Council can make decisions based on the survey and the money we have to work with.

Councilmember Collier noted that he did not agree with not following the vision but that a survey was necessary to determine what we can do on Washington Street and depending on what the survey shows, we may be able to accomplish it.

Councilmember Roberts stated that she does not support going forward with the Washington Street grant at this time. It appears we are rushing to meet the deadline without really knowing what we have and what we want and she feels that both the Lawrence Avenue and Washington Street will suffer and that neither project will get done in line with our vision. I am a firm believer in using grant funds but in pushing this forward I feel that it should be brought up at the next budget cycle to give staff and Council time to study what we have to work with, determine what we want and what will really fit on Washington Street. I am unhappy with this process as it was discussed and voted on during budget sessions only two months ago. We did move Lawrence Avenue back a year to take advantage of the grant we received to complete the Port of Leonardtown Park. I do believe in taking advantage of opportunities as they present themselves but when Council takes a vote they don't vote two months later to undo it.

Councilmember Collier moved to approve Resolution 5-13- Community Legacy Application for South Washington Street Sidewalk Improvements; seconded by Councilmember Hammett; three years, Council Members Roberts and Roger Mattingly opposed, no further discussion, motion passed.

Mayor's Report – Mayor Burris

Mayor Burris reported that Beach Party was a great success, thanks to everyone for all their help and special kudos to Maria Fleming.

Events – Roger Mattingly

Councilmember Mattingly asked about the Cruisers move to Ryken for their performance.

Ms. McKay stated that Ms. Fleming worked very hard to arrange a new venue at the last moment due to an impending storm and Ryken graciously offered their facilities. There was a very large attendance and although not ideal it all worked smoothly.

The final Downtown Tunes will feature GeeZer for a great night of Rock 'n' roll on Saturday, August 24th.

The September First Friday on the 6th will be a special Arts & Entertainment District Celebration, featuring artists around the Square, live music by Jennifer Cooper and Groove Span, and special guests. Rain date: September 7

Fall Follies and Walk for the Poor are scheduled for Saturday, September 14, and Taste of St. Mary's is Sunday, September 15.

Upcoming Events of Interest/Meeting Reminders:

<i>Date</i>	<i>Time</i>	<i>Event</i>
Saturday, August 17	7:30 – 8:30 AM	Sunrise Yoga at Leonardtown Wharf
Wednesday, August 22	5:30 – 7:00 PM	SMC Chamber of Commerce Business After Hrs Hosted by eTrepid Inc, 29211 Three Notch Rd Suite B, Mechanicsville, MD
Saturday, August 24 GeeZer@ Town Square	6 – 9:00 PM	Downtown Tunes rock 'n' roll with
Monday, Sept. 2	HOLIDAY	Town offices CLOSED
Friday, Sept. 6 Date: Sept. 7	5 – 8:00 PM	Arts & Entertainment District First Friday Rain Celebration
Saturday, Sept. 14	10 AM – 3 PM	Fall Follies in the Leonardtown Square
Saturday, Sept. 14	9 AM	Walk for the Poor @ Father Andrew White School proceeding into the downtown area
Sunday, Sept. 15	12 Noon – 5 PM	Taste of St. Mary's in Leonardtown Square
Thursday, Sept. 19	3 - 9 PM	St. Mary's County Fair @ Fairgrounds
Fri., Sept. 20, Sat., Sept. 21	9 AM – 9 PM	
Saturday, Sept. 21	10:30 AM	Parade – Commissioners invited to Participate
Sunday, Sept. 22	9 AM – 6 PM	
Sunday, September 22	TBD	Leonardtown High School Band Boosters 5K Leonardtown Wharf and Town Streets
Friday, September 27 (Rain date: September 28)	5 - 8 PM	Motor Rally to Leonardtown @ Town Square
Saturday, September 28	3 – 7:00 PM	Health Share Oyster Scald @ the Wharf

Community Development and Strategic Planning - Hayden Hammett

Councilmember Hammett reported that the Comprehensive Rezoning Committee will hold its first meeting tomorrow to look at cleaning up some zoning of properties and look at some areas that could potentially use some rezoning changes to bring them in line with the Town's vision plan.

Capital Projects - Tom Collier

Councilmember Collier reported that Mr. Wheatley has done some storm drain repairs over on Lawrence Avenue and some prep work for future sidewalk and road repairs.

Councilmember Roberts asked if that tree will come down and the sidewalks will be replaced with five foot ADA sidewalk and green space.

Councilmember Collier responded that he is not sure if the green space can be put in due to the width of the right of way. They will have to wait to see and talk with the property owners. There are also some discussions with Metrocast about taking out the tree as it is in their lines... We are looking at the current funding and will discuss the construction timeline during our next workshop.

SMMA Update - Leslie Roberts

Councilmember Roberts reported that Leonardtown is hosting the next SMMA meeting on Wednesday, September 4, which will be held at Café des Artistes and, hopes everyone will attend.

Safety and Emergency Preparedness – Jay Mattingly

Councilmember Mattingly reported that MML asked him to continue to serve on the Emergency Preparedness Committee and he agreed.

Mayor Burris reminded everyone that he will be available for discussion after the close of this meeting and entertained a motion to adjourn the meeting.

Councilmember Roger Mattingly moved to adjourn the meeting at 5:20 pm; Councilmember Hammett seconded, motion passed unanimously.

Respectfully Submitted:

Teri P. Dimsey

Approved:

Daniel W. Burris, Mayor

Leslie E. Roberts, Vice President

Thomas R. Collier, Councilmember

Hayden T. Hammett, Councilmember

J. Maguire Mattingly IV, Councilmember

Roger L. Mattingly, Councilmember