



# Commissioners of Leonardtown

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

301-475-9791 • FAX 301-475-5350  
leonardtown.somd.com

DANIEL W. BURRIS  
Mayor

LASCHELLE E. MCKAY  
Town Administrator

## Commissioners of Leonardtown Town Council Meeting Minutes January 13, 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; DeAnn Adler, Plans Reviewer; Jackie Post, Fiscal Clerk; Maria Fleming, Events Coordinator; Dick Myers, The BayNet; Nicole Clark, The Enterprise. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Burris remarked that there is one addition to the agenda today, which is the Portable Restroom Bid Award.

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

### Approval of Minutes

Meeting minutes for the December 9, 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 December 9, 2013 minutes as presented; seconded by Councilmember Collier; motion passed unanimously.**

Mayor Burris stated that we have a special presentation of the Our Town Award for 2013, sponsored each year by Mattingly-Gardiner Funeral Home and this year's recipient is Two Guy's Collision Center. They have generously sponsored many Leonardtown events throughout the years. Mayor Burris invited Charlie and Chris Guy to come forward to present the award and thanked them for their continued support.

**Treasurer's Report** – Rebecca Sothoron

Ms. Sothoron reported that \$100,000 was transferred to the checking account for monthly expenses. We are 50% through the budget year. The tax sale process continues and the half year tax billing will occur at the end of this month. Budget requests are due by February 7<sup>th</sup>. Tax rebate requests are being processed to get back to the County and we are in the midst of responding to fiscal notes.

**Planning & Zoning Report** – DeAnn Adler

Ms. Adler reported that last month's Planning and Zoning meeting was held on December 16, 2013. The agenda item was Ordinance changes - Numbers 158 through 163. A public hearing was held for comments. Another public hearing will also be held today on these same ordinance changes.

Next month's Planning & Zoning Commission meeting will be held on Tuesday, January 21<sup>st</sup> instead of our regular Monday, because of the Martin Luther King holiday. We will be holding another public hearing on the zoning map changes and will be introducing those today as well as sending a recommendation on those changes back to Town Council.

**Police Report**

Deputy Smolarsky provided Council with a written report and she also reported that there have been no significant incidents to add to her report.

Mayor Burris asked Ms. McKay to provide a description of the Leonardtown Zoning Text Amendments before opening the public hearing.

Ms. McKay reported that today's public hearing is to address Ordinances No. 158 through 163. These Ordinances were introduced last month and referred to the Planning and Zoning Commission and a copy of their recommendations are included in your packet, along with a copy of the legal notice advertising the Public Hearing. After the Public Hearing is held, Council's action will be to accept, modify or reject the recommendations from the Planning and Zoning Commission. Once action is taken the ordinances take effect in twenty days.

**Ordinance No. 158** – Rules of procedure for Board of Appeals - The title was changed based on comments from the Planning Commission.

**Ordinance No. 159** – Text Amendment to Section 155-50 – a change in parking space size, reducing the size of the parking space itself and widening the drive aisle to 25 feet which is more in line with what is being done industry wide.

**Ordinance No. 160** – An amendment to multi-family in any zoning category that allows multi-family. This ordinance covers CB, CH, PUD and RMF. This requires any developer that wants to have multifamily in their project to go through the same process as the PUD process and to provide amenities in certain circumstances.

**Ordinance No. 161** – Adding Funeral Homes as a permitted use in Commercial Office Zoning.

**Ordinance No. 162** – Requiring Single Family homes to have paved driveways. This would require new residential homes that have a driveway, turn around or parking area to be paved if it goes out onto a public street.

**Ordinance No. 163** – Section 8-9 in our Sign Regulations and makes the maximum allowed height for electronic signs to be eight feet, which is the same as our other monument signs and it clarifies how measurements are taken.

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 unanimously.**

Ms. McKay stated that she will read the recommendations provided by the Planning and Zoning Commission. Those present with any questions, please state your name for the record.

Ordinance 158 – Favorable recommendation as presented

Ordinance 159 – Favorable recommendation as presented

Ordinance 160 – Favorable recommendation except for the density bonus, instead of going from three stories to four stories they want to keep it as three stories

Ordinance 161 – Favorable recommendation as written

Ordinance 162 – To clarify on the paved driveways to reword or add language that you could also use pervious pavers or other acceptable paving materials.

Ordinance 163 – Favorable recommendation as presented.

The Public Hearing was advertised, copies were made available and we have not received any public comments.

Mayor Burris entertained a motion to close the public hearing and reopen the regular meeting.

**Councilmember Roberts moved to close the public hearing and reopen the regular meeting; seconded by Councilmember Jay Mattingly, motion passed.**

Mayor Burris asked for comments from Council.

Ms. McKay suggested that Council discuss and vote on each Ordinance one at a time.

**Ordinance No. 158** – Title was changed based on comments from the Planning and Zoning Commission. Planning and Zoning Commission approved a favorable recommendation.

**Councilmember Hammett moved to approve Ordinance No. 158 as recommended by the Planning Commission; seconded by Councilmember Roberts, no further discussion, motion passed unanimously.**

**Ordinance No. 159** – Text Amendment to Section 155-50 – a change in parking space size, reducing the size of the parking space itself and widening the drive aisle to 25 feet which is more in line with what is being done industry wide.

Councilmember Collier asked if the footnote had been added.

Ms. McKay stated that yes, it had been added.

**Councilmember Roger Mattingly moved to approve Ordinance No. 159 as recommended by the Planning Commission; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.**

**Ordinance No. 160** – An amendment to multi-family in any zoning category that allows multi-family. This ordinance covers CB, CH, PUD and RMF. This requires any developer that wants to have multifamily in their project to go through the same process as the PUD process and to provide amenities in certain circumstances.

Ms. McKay stated that it was suggested that any retail stores in Commercial Highway be changed to the way it reads in Commercial Business for anything between 10,000 and 20,000 sf as an allowed use but they would have to do additional studies.

Ms. McKay noted that Planning and Zoning Commission forwarded a favorable recommendation as written with the exception of the density bonus going to four stories.

Councilmember Roberts stated that she would like to go back to the original, as presented, and maintain the four stories as a density bonus. It will still be required to come before Town Council for final approval.

Councilmember Hammett remarked that for retail stores in CB that are planned to be built 10,000 sf and over they must present a concept plan, market study and traffic study etc. Is this something we would want to reflect in Commercial Highway District or possibly as a special exception?

Councilmember Hammett noted that we may want to add the word “or” or add “and/or” as it could apply to do four instead of three stories with the same density but only as a special exception.

Councilmember Collier disagreed on the addition of four stories. He supports what the Planning and Zoning Commission recommended, as he feels strongly that the way to maintain Leonardtown’s small town architecture is to follow what our Comprehensive Plan states and quoted “Leonardtown’s goal is to preserve it’s small town historic character” and also it describes how we have to balance this with the needs of the Town and the development of the Town and one of the main criteria is to maintain the small Town character.

Mayor Burris stated that the developer would still need to come before Planning and Zoning and Town Council for final approval of their concept plan.

Councilmember Hammett pointed out that this does apply to all Multi-Family.

Ms. McKay noted that the density bonus being talked about, with regard to the three to four stories, only applies to Multi-Family. In PUD there is already flexibility with density.

Councilmember Hammett moved to approve Ordinance No. 160 as submitted to the Planning Commission with the ability for the density bonus and with the addition of the word “or” added on Section 155-17-D Subsection 1 line 3 and add the same language as written in CB Section 155-26 to CH Section 155-30 for anything over 10,000 sf; seconded by Councilmember Roberts.

Mayor Burris asked if there was any discussion.

*Discussion:*

*Councilmember Hammett wanted to clarify the intent of the language and readdressed that what is being said is that it is permitted up to 20,000 sf which is already the case in CB and that is what we are adding to CH to keep those comparable. In CB we say it is permitted but right under special expectations it appears we meant is that it is only permitted up to 10,000 sf and anything between that and 20,000 sf is a special exception use, which seems contradictory to be in both places.*

*Ms. McKay responded that it is a permitted use so developers have to show additional marketing/traffic studies if larger than the 10,000 sf.*

*Councilmember Hammett remarked that it may be best to write language under permitted uses that anything under 20,000 sf is permitted but anything over 10,000 sf requires additional studies.*

*Discussion continued on various ways to handle the 10,000 sf to 20,000 sf language in the Ordinance.*

Councilmember Hammett moved to amend his motion and then after discussion withdrew his amendment to his original motion.

Councilmember Roger Mattingly interjected that there are too many motions on the floor to discern what is correct.

Ms. McKay clarified that the items of concern are the density bonus language and in CH we were adding retail as an allowed use.

Councilmember Hayden stated that we need more information but we can move forward now.

Mayor Burris stated that there is a motion and a second on the table to be voted on.

Councilmember Hammett restated his motion and moved to approve Ordinance No. 160 with the four story bonus, adding the language “and/or” in letter D and adding commercial retail as an allowed use in CH as written originally; seconded by Councilmember Roberts, no further discussion, four ayes, Councilmember Collier opposed, motion passed.

**Ordinance No. 161** – Adding Funeral Homes as a permitted use in Commercial Office Zoning.

**Councilmember Hammett moved to approve as recommended by the Planning Commission; seconded by Councilmember Roberts, no further discussion, motion passed unanimously.**

**Ordinance No. 162** – Requiring Single Family homes to have paved driveways. This would require new residential homes that have a driveway, turn around or parking area be paved if it goes out into a public street.

Councilmember Roberts asked if language was included to approve pervious pavers or other such acceptable materials approved by the Town.

Ms. McKay stated yes.

**Councilmember Roberts moved to approve Ordinance #162 as amended by the Planning Commission and as worded in the Ordinance today; seconded by Councilmember Hammett.**

**Mayor Burris asked if there is any discussion.**

*Discussion:*

*Councilmember Hammett suggested the title of this Ordinance be changed to be clearer on what it is accomplishing and add the word “new” or spell out in the text of the amendment.*

**Councilmember Roberts amended her motion and moved to re-title Ordinance No. 162 to “Requiring New Residential Structures”**

**Mayor Burris asked for any further discussion, there being none, he entertained a vote.**

**Council Members voted yea, motion passed unanimously.**

**Ordinance No. 163** – Section 8-9 in our Sign Regulations and makes the maximum allowed height for electronic signs to be eight feet which is the same as our other monument signs and it clarifies how measurements are taken.

**Councilmember Hammett moved to approve Ordinance No. 163 as recommended by the Planning Commission, seconded by Councilmember Roberts, no further discussion, motion passed unanimously.**

Ms. McKay stated that the suggested changes will be made on the original, signed and they will go in effect in twenty days after approval by Council.

**Town Administrator Report** – Laschelle McKay

**Introduce Ordinance No. 164- Comprehensive Rezoning-** This ordinance is being introduced today for referral to the Planning Commission, who will hold a public hearing on January 21<sup>st</sup> and then make a recommendation back to the Council for a decision and public hearing in February. The proposed changes are the recommendation of the Comprehensive Rezoning Committee who met numerous times to review the entire zoning map. There is a numbered map along with corresponding numbered description list and property information included in your packets.

Councilmember Collier inquired as to who served on the Comprehensive Rezoning Committee.

Ms. McKay responded that she, Dan Burris, Hayden Hammett, DeAnn Adler, Christy Sterling, Dan Norris and Mike Paone served on the committee.

**Resolution 1-14- Development Block Grant Policies-** A requirement of the CDBG Block Grant that we received for Cedar Lane in the amount of \$800,000 was to adopt a Fair Housing and Equal Opportunity Plan, Minority Business Plan and Section 3 Plan. After conversations with CDBG regarding the process I have put together a resolution committing to working toward the goals established by the plans. Action is needed on the resolution.

Ms. McKay read Resolution 1-14 out loud.

**Councilmember Roberts moved to adopt Resolution 1-14; second by Councilmember Hammett, motion passed unanimously.**

**Appointment of Election Judge-** Each election year the Town Council is required to appoint the election judge for the upcoming election. Ernie Bell has served for many years in the position. Consensus is all that is needed to request him to serve again this year.

**Council gave consensus on appointing Mr. Bell as Election Judge.**

**Award Compensation and Classification Study Contract-** This Request for Proposal was publicly advertised and bid. The bids were opened on January 7, 2014. Two proposals were submitted. Singer Group, Reistertown, MD for \$14,500 and The Frank and Wheeler Group, Phoenix, MD for \$9,765.00.

Mayor Burris inquired if they presented any references.

Ms. McKay remarked that both did. Frank and Wheeler have previously worked with St. Mary's County Government and she spoke with Ms. Sabo who confirmed that they did and she was pleased with their work. The Singer Group has done a number of projects with MetCom in the past.

Mayor Burris asked when was the last time the Town looked at our compensation and salary guidelines.

Ms. McKay responded that the benefits package is updated each year but the salary step process has not been reviewed since, at least, 1989.

**Councilmember Roberts moved to award the bid to the Frank and Wheeler Group, seconded by Councilmember Roger Mattingly, no further discussion, motion passed unanimously.**

**Portable Restroom Bid** – Typically we have two companies that bid, which are T&T Sweeping and United Site Services. Both have had the contract previously. Their bids were quite close in that one may be lower on one item and higher on another. One of the big differences is that T&T sets aside portable restrooms just for events; they are not used for construction sites, etc. They also deliver them with locks that we have control over unlocking and locking as necessary. United Site services uses zip ties which we then have to remove them to unlock and relock before returning.

Mayor Burris asked Ms. Fleming, who handles the restrooms for events, about her experiences.

Ms. Fleming stated that both have been pleasant to work with but she has found that communication with T&T Sweeping is more consistent and faster response time than United Site Services who have to locate the supervisor and even if it is before the event starts it still takes time to handle the issue. The units from T&T have also been more superior.

Councilmember Roger Mattingly asked if other events hosts can use other vendors.

Ms. McKay said yes, we offer their services to the other events as the cost is usually less under our contract but if they wish to use others they can do so.

Councilmember Roberts noted that as T&T Sweeping is local she would lean more towards using a local company.

**Councilmember Roberts moved to award the bid to T&T Sweeping; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.**

**Port of Leonardtown Park Update-** We have finished with the parking lot improvements and will be working on an RFP for public restrooms. Some of the electric in the storage room has been completed, along with some of the air conditioning for the winery grant.

Ms. McKay noted that the Town's website has been redesigned to be more functional, informative and inviting. Councilmember's Roger Mattingly, Jay Mattingly, Hayden Hammett, along with Ms. Dimsey and me worked together to create a new look.

**Mavor's Report** – No Report

**Events** - Roger Mattingly

Councilmember Mattingly thanked Ms. Fleming for all her hard work and for providing the event information for this report.

She is currently developing Leonardtown's 2014 Events Brochure for distribution by early February.

Sponsorship Request Letters, outlining several sponsorship levels for supporting Leonardtown's 2014 events season, will be mailed to local businesses this month.

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

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Meeting</u></b>
Monday, Jan. 20	HOLIDAY	Town Office closed (Martin Luther King, Jr. Day)
Wednesday, Jan. 22	11:30 AM	Chamber Membership Luncheon NAWCAD and NAVAIR representatives @ Higher Education Center (RSVP)
Wednesday, Jan. 22	5:30 PM	Chamber Business After Hours (RSVP) Hosted by Primary Residential Mortgage, Inc. 23131 Three Notch Road, Suite 200, California
Friday, Feb. 7	5 - 8 PM	First Fridays in Leonardtown Check <a href="http://www.leonardtownfirstfridays.com">www.leonardtownfirstfridays.com</a> for details
Friday, Feb. 21	7:30 AM	LBA State of the Town Breakfast College of Southern Maryland, Bldg A Auditorium
Monday, Feb. 17	HOLIDAY	Town Office closed (President's Day)

**Community Development and Strategic Planning** - Hayden Hammett

Councilmember Hammett reported that a handful of new businesses are opening up out at the newly renovated Antique Center along with G&H Jewelers. The first building permit has been pulled for Clark's Rest so we look forward to seeing their model homes. A big thank you to Ms. McKay and Ms. Adler for their hard work on the Comprehensive Re-Zoning Plan and Zoning Text Amendments.

**Capital Projects** - Tom Collier

Councilmember Collier reported that he and Mr. Wheatley will be assessing the Town’s road repairs for submittal for the FY15 budget and he welcomes any input from Council.

**SMMA Update** - Leslie Roberts

Councilmember Roberts reported that the next SMMA meeting is Wednesday, January 15. She and Council Members Roger Mattingly, Jay Mattingly and Hayden Hammett are attending. A speaker for LGIT will be discussing a new health cooperative and MML will provide a legislative update.

**Safety and Emergency Preparedness** – Jay Mattingly

Councilmember Mattingly reported that the new website does look great and thanked the committee for all their help. The next Emergency Preparedness Committee meeting will be in either North Beach or Annapolis on February 8<sup>th</sup>. Also a big thank you to Deputy Smolarsky for all her special extra traffic assignments around Town before and during the holidays.

**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 Hammett moved to adjourn the meeting at 5:25 pm; Councilmember Jay Mattingly seconded, motion passed unanimously.**

Respectfully Submitted:

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Teri P. Dimsey

**Approved:**

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Daniel W. Burris, Mayor

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Leslie E. Roberts, Vice President

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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

Roger L. Mattingly, Councilmember