



Commissioners of Leonardtown

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DANIEL W. BURRIS
Mayor

LASCHELLE E. MCKAY
Town Administrator

Town Council Meeting Minutes September 13, 2021

Video of the meeting can be found on YouTube – Town of Leonardtown Channel

Attendees: Daniel W. Burris, Mayor
J. Maguire Mattingly IV, Vice President
Tyler Alt, Council Member
Nick Colvin, Council Member
Christy Hollander, Council Member
Mary Maday Slade, Council Member

Also, in attendance were: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Jada Stuckert, Planning; Teri Dimsey, Executive Secretary; Beth Sandberg, Office Manager; Joe Kurley, The Rex; Roger Mattingly, Resident; Sean Coogan; Social Coffeehouse. Ellen Lewis, LBA; Charlie Breck, Resident; Kendal Lee/Iszabelle Collins/Lo Bennett/Brody Cook/Elaina Guy/Grace Pankeuolg/Samantha Salzman/Sara Prescott, Social Coffeehouse; Jack Meyer, Boy Scout; Holly Meyer, Resident; Misti Dayton, New View Fiber; Teri Branch, Resident; Rochelle Jackson, Antoinette's Garden; Kevin Mattingly, Resident; Jody Brouwer, Fenwick St. Books; Val Deptula, Good Earth. A complete list of attendees is on file at the Town Hall.

Councilmember Colvin provided the invocation and Mayor Burris asked Ms. Dimsey to lead the Pledge of Allegiance.

Mayor Burris remarked that we have a special guest, Jack Meyer, in attendance today of Boy Scout Troop 1720 who is here to earn a badge for his Eagle Scout.

Approval of Minutes

Mayor Burris entertained a motion to approve the minutes of August 9, 2021 as presented.

Councilmember Mattingly moved to approve the minutes of August 9, 2021 as presented; seconded by Councilmember Alt, motion passed unanimously.

Treasurers Report – Rebecca Sothoron

Ms. Sothoron reported that during the month of August, \$500,000 was transferred to the LGIP. We received the first installment of the ARP fund. The total is \$1.8 million and a similar amount will be received in 12 months. A separate LGIP account has been established to track these funds. We have to provide periodic reporting and our recommendation is that these funds be used towards upcoming capital improvement projects such as the Water Tower and Waste Water Treatment Plant expansion.

Mayor Burris noted that it is mandated that the funds be used towards infrastructure.

Councilmember Hollander inquired when the funds need to be spent by?

Ms. Sothoron responded the final expenditure is by December 2026 but is required to obligated by 2024.

There are some revenue items that we know will not come up to what was budgeted.

- Accommodation tax was less due to the hotel not being open this past year.
- Highway User Revenue has been programmed for a final payment of \$53,000 and we are short \$55,000 so we are very close.
- County Tax was less due to the liquor license reduction given to businesses due to Covid during 2021, we only have what was collected last fall.

We may be short in a few areas but generally, both the General and Enterprise Funds are in good shape.

For FY22, we are 17% through the budget. Property tax funding was reported and we have yielded more than expected. Audit field work will begin next Tuesday.

Planning & Zoning Report – Jada Stuckert

The Planning and Zoning Commission last met on June 21st but did not meet in July nor will they meet in August.

There is currently one item on the agenda for the September 20th meeting:

Case No. 63-00 Wendy’s Restaurant – 40804 Merchant’s Lane
Request for Architectural Review and Approval

Police Report – Kristi Nelson

Corporal Nelson is unable to attend today’s meeting but did provide Council with a written report.

Mayor Burris noted that 16 accidents were reported last month. We have sent an email to the State of Maryland to please continue to consider putting a light at Clark’s Rest entrance.

Town Administrators Report – Laschelle McKay

Ms. McKay proudly remarked that Corporal Kristi Nelson and Sargent Angela Delozier were the first recipients of the Peggy Smolarsky Neighborhood Hero Award.

The October Town Council meeting will move to Tuesday, October 12, 2021 due to Monday Federal Columbus Day holiday.

GHD Task Orders 25 and 26-Water and Sewer Development Impact Analysis for Meadows at Town Run II

In the past we have worked with GHD to model and analyze the impact of a large development on our water and sewer system to be able to plan for the future. Because the Town is building a water tower and a well in the Meadows II development on donated land by Quality Built Homes, we are proposing participating in the study along with the developer. The cost of the two studies would be split between the two at \$18,500 each. This year we received an extra \$10,000 on our MDE operations grant that can be applied toward this project, leaving just \$8,500 from the department budget.

Councilmember Alt moved to approve GHD task orders 25 and 26 for Water and Sewer Development Impact Analysis for Meadows at Town Run in the amount of \$37,000. \$18,500 to be paid by Quality Built Homes; seconded by Jay Mattingly, no further discussion, motion passed unanimously.

Phase 2 of Downtown Strategic Plan and Waterfront Plan by Mahan Rykiel and Arnett Muldrow

As per long term plans for strategic planning for the Town, we are ready to embark on phase 2 of the Downtown Strategic Plan with a focus on the West Fenwick and Waterfront District. There are a number of projects within these two districts that will have a major impact on the Town for many years to come and this strategic plan will be needed to help guide those areas of development. This would include Tudor Hall, the Wharf and the Bell Motor site and areas around the site.

Councilmember Slade moved to approve the contract with Mahan Rykiel for Phase 2 of the Downtown Strategic Plan- West Fenwick District and Waterfront District in the amount of \$52,290; seconded by Councilmember Mattingly, no further discussion, motion passed unanimously.

Liquor License Letter of Support for restaurant extension of premises for October 16th concert.

The Rex and Antoinette's Garden would like to expand seating out to the edge of the sidewalk from 12:00 p.m. to 9:00 p.m. to accommodate more patrons.

Mr. Kurley stated that the LBA has long been working to host a large more influential event. This event is a bigger attraction and being held for a worthy cause for a friend who is battling cancer. This way we can shut down the entire square for an event to incorporate more people than if we shut down just a portion of the square for smaller seating selection.

Councilmember Alt again addressed the issue of patrons walking around with alcohol.

Ms. McKay responded that this is an LBA benefit concert and the restaurants are required to keep their patrons within their approved space. They cannot take alcoholic drinks from the restaurant into the square, they will be required to stay in the confined area designated for each restaurant.

Councilmember Slade moved to send a liquor license letter of support for an extension of premise for the Rex and Antoinette's Garden in the downtown square for one day during the Amish Outlaws concert, October 16th; seconded by Councilmember Alt, no further discussion, motion passed unanimously.

Outdoor Seating for Social Coffeehouse

A decision on Social Coffeehouse outdoor seating needs to be made and there are at least two options:

- Allow temporary seating to remain in 2 spaces instead of 1 through October 31st. Already approved by Liquor Board.
- Require removal immediately of 2nd parking space.

Ms. McKay stated that the temporary seating was on a case-by-case basis and the outdoor guidelines that were recently adopted were specific to the permanent seating. All outdoor seating in the square has become permanent under the outdoor guidelines. Prior to Covid, Social had received approval for one permanent space in front of their building and are utilizing a second temporary space in front of David's Flowers. They went before the Liquor Board last month to extend the temporary usage through October 31st. Other changes have been made along Fenwick Street to help with the parking situation and the Town added two twenty-minute spaces to help businesses that have customers who are just running in and out quickly. The Wayfinding signage is in production and will help with locating parking within and around Town. We have suggested to businesses that they please park behind their businesses so that their own customers and the other businesses customers have preferential parking to shop and/or use services. The LTown Alley project will be a huge help to attract people to walk to the public parking areas.

Mr. Sean Coogan, Owner, Social Coffeehouse, this is my fourth time coming forward before Council to discuss this subject and I would like to be able to move forward to be able to plan our direction. The Town has been great in getting the outdoor seating approved and coordinated with the various departments. I gave up parking directly in front of Social Coffeehouse so that I can remain competitive because the patrons love sitting outdoors and they are willing to park a bit further away and walk. I now have more patrons than I previously had so it has been of great value and how popular Leonardtown has become because of the outdoor seating. Some of my staff is here with me today to support the use of the outdoor seating as it is a means to their employment and wages. It is not just table and chairs that we are speaking about, it is the livelihood of my employees that are impacted. Because of changes made during Covid, we have actually grown by 60% in 2020 and we are no longer eligible for any of the financial aid for small businesses. I have been willing to compromise but decisions were made without ever talking with me directly. Having to have had three tables removed due to the situation, I can show you proof that we lost substantial business revenue. I am struggling to keep my employees, pay them and maintain a consistent customer base, due to losing outdoor seating. There are plans for future improvements which I was willing to invest funds into to increase the walkability and traffic in Leonardtown along with a planned crosswalk. Two spaces have been designated along Fenwick Street for twenty-minute parking only. It is based on an honor system and is not monitored and we also have business owners who themselves park on Fenwick Street all day long taking up spots that could be used by customers. One additional parking space is all I am requesting to keep, please approve to change it from temporary to permanent outdoor seating.

Ms. Kara Forest, Social Coffeehouse customer, announced that she came to the meeting today specifically in support of Social Coffeehouse and their outdoor seating. She lives and works in Calvert County but enjoys coming to Social and spending time there with friends. Small businesses are the heart of Leonardtown and we need to continue supporting the outdoor seating and the Town's vision of a walkable downtown.

Mayor Burris stated that the Town agreed to do the outdoor seating on the sidewalks and some of the parking spaces but we have a number of businesses that wanted to use the spaces in front of other businesses. We were able to accommodate some as we simply asked for a letter of support from that business to use those spaces. Unfortunately, the building/business owner next to Social Coffeehouse will not sign that letter of support. We are not talking about a permanent space but a temporary space.

Councilmember Slade noted that Mr. Coogan does have the one space in front of his business and will continue to have that space after October 31st as permanent outdoor seating.

Councilmember Colvin asked Mayor Burris to confirm that Mr. David Mattingly of David's Flowers is okay with keeping the outdoor seating in the space in front of his business until October 31st.

Mayor Burris responded that Mr. Mattingly was okay with it as long as there is an end-date in sight.

Ms. McKay remarked that this was discussed and we did have the option to extend permanent outdoor seating as it has gone through all the required approvals. We have had so many requests from our residents and restaurants to keep the outdoor seating. There is nothing in writing that this is a deadline date and the liquor board did not indicate a deadline.

Councilmember Slade stated that we are providing an unfair disadvantage to a 35-year-old business by taking up the parking space in front of his business.

Mr. Kevin Mattingly, resident who lives on Key Way, spoke up as the brother of Mr. David Mattingly of David's Flowers. He noted that he is not against the outdoor seating as he likes it but the issue is there are tables that are placed that block the way into David's Flowers on numerous occasions and the patrons are bringing alcohol out to the seating area. It all started because of Covid and Mr. David Mattingly did not think it would last this long but it has. He was compliant in the beginning but does not see an end to the use of seating in front of his business. Now it appears that there will not be an end in sight. It would be nice if this encroachment could be worked out so that a business owner does not have to continue to fight for his space and to ensure that the sidewalk is clear and compliant with ADA standards so that people with disabilities can walk through. My hope is that the two business owners be able to communicate and reach some sort of compromise but that has not happened it continues to be one business trying to expand on another businesses area with no end in sight.

Mr. Coogan explained that he has spoken with Mr. David Mattingly dozens of times but we have been unable to come to some sort of agreement.

Mayor Burris stated that if we provide a date of December 31st would that give Mr. Coogan time to determine the possibility of moving to a new location.

Mr. Coogan agreed that that date would work.

Councilmember Slade disagreed and stated that when Mr. David Mattingly graciously gave him that space during Covid he did not give a space that he thought would be gone for two to five years. We have given you an opportunity to get a letter of support from Mr. David Mattingly and if he were to sign the letter of support, we would be happy to let you have the space.

Mr. Charlie Breck remarked that he hates hearing this discord. There appears to be some personality conflicts and this situation will not be resolved here today. They are both good vital businesses in Town and he is willing to act as a mediator to help bring these two owners together to work out a compromise that works for both businesses.

Councilmember Mattingly stated that he loves the outdoor seating and works to support all the businesses and the confrontation between the two businesses is very upsetting and would love to see this be worked out to the benefit of both businesses. We do need to set a date and hopefully Mr. Coogan can make a decision soon about relocation to another location in Town.

Councilmember Alt agreed with Councilmember Mattingly in supporting outdoor seating. All of us have tried to be as accommodating as we can for all the businesses. I do think it needs to go down to one space and that we need to set a deadline date until the two businesses can hopefully work out some kind of arrangement.

Mr. Coogan responded that outdoor seating grows in October, people enjoy sitting outside in the fall and the cooler weather. We use to have less patrons in the summer but with the outdoor seating we have seen a huge increase in the number of patrons who want to dine outdoors and the number of people coming into Town has increased due to the outdoor seating.

Ms. Kara Forest stated that she looks forward to spending time at Social Coffeehouse in October and November to specifically enjoy the outdoor seating. She wants to help and will talk to her neighbors and ask them to support both businesses and show Mr. David Mattingly that the patrons of Social Coffeehouse want to make this work so that Leonardtown can continue to enjoy the momentum we are all enjoying.

Mr. Kurley requested that Council consider extending the deadline to give Mr. Coogan more time to work out arrangements on a potential new location. We do need to work on bringing everyone together to solve this situation.

Councilmember Mattingly asked Mr. Coogan if he would know about his location move by December 1st?

Mr. Coogan replied yes.

Mr. Kevin Mattingly asked if Council had told Mr. David Mattingly the original deadline was October 31st?

Mayor Burris responded that Mr. Mattingly stated he was okay with it as long as there was an end date and a date of October 31st was discussed but no written agreements were signed to that effect.

Ms. McKay stated things to consider is the Town's economic development, what our strategy is, not just for Social outdoor seating but the fact that our residents are loving and wanting it and we will need to re-address all the outdoor seating if you are thinking of not offering it during the winter. We are seeing a huge uptick in the number of people coming to Leonardtown and we know one of the reasons is that they are attracted to the outdoor seating.

Councilmember Mattingly noted that there will be a lot of frustration. My opinion is that we set December 1st as a deadline date and we talk to Mr. Coogan and Mr. Mattingly to try and bridge this together by December 1st.

Ms. McKay stated that there is a two-month process to get on to the agenda for the Liquor Board so December 1st may not be a viable date.

Councilmember Colvin queried if this will be a final date to stick to?

Mr. Kevin Mattingly questioned that the October 31st date is not going to be acknowledged for Mr. David Mattingly?

Mayor Burris responded that Mr. David Mattingly just said that as long as there is an end date, he is fine but no specific end date was agreed upon at that time just a suggested date of October 31st and we are working on trying to come up with a solution today.

Ms. McKay stated that today is the first time Council is making a decision on this subject and the first time this topic has been put on the agenda for a decision.

Mr. Coogan commented that he is not trying to take up the entire space in front of David's Flowers. Mr. David Mattingly's store has two facades and we are discussing only taking up one portion of the front of his two storefronts. He still has one parking space available in front of his store.

Employee of Social: Everything here seems to be about parking. We are employees, we need tips so this outdoor seating is crucial to help pay my student loans and Covid reduced my pay considerably so this is very important to my livelihood. I hope that you give the employees earnings consideration too, not just the parking situation.

Employee of Social: I relocated from Worcester, MA and noticed David's Flowers but did not go in as it did not appear too welcoming but I noticed Social and enjoyed having some refreshments in the outdoor seating. I could look at David's while seated outdoors and re-considered going in to browse his shop which I imagine others would do too and this would be a great benefit to both shops.

Mr. Roger Mattingly stated that each business should have their own parking spot in front of each of their businesses and that would solve the problem.

Councilmember Mattingly agrees that a lot of conversation still needs to happen on this subject but we do need to determine a direction.

Councilmember Mattingly moved to approve the temporary parking spot until January 2nd; seconded by Councilmember Colvin; no further discussion, Councilmembers Mattingly, Colvin, Alt voted in favor, Councilmembers Slade and Hollander voted nay. Motion carried three to two.

Update

Wayfinding signage is on order after many changes.

LTown Alley – after going over the budget, the plan is to begin work but we are \$100,000 short. We do have grant money to begin and other funds that we can potentially move to finish the project. We are waiting on additional grant money that could help. We do have the \$225,000 grant already and we are looking at other ways to raise funds, in particular, a sponsorship type program. We received a \$25,000 donation from Quality Built Homes for the art and we have a few other people that have expressed interest in sponsoring. We believe we can come up with the money we do not have already funded so we would like to move forward with what we do have and get the project started and then work on the sponsorship campaign and look at additional grants. This is an exciting project and we have received much support from businesses and people interested in seeing the project come to life.

Trolley – Rides were provided on the Trolley during the A&E First Friday and it was a huge success with over 500 people taking a ride. Many folks expressed interest in continuing the Trolley service. We plan to supplement the Trolley again during the First Responders First Friday in October and again during Veterans Day and Christmas on the Square. Many people came to Town just to ride the Trolley.

Mayor Burris noted that during the LBA meeting some of the businesses expressed interest in sponsoring/advertising on the Trolley.

Route 5 Construction – A letter was sent to the Maryland Secretary of Transportation and SHA for an update to clean up the area and a status on the project. We heard back from the Secretary immediately who said he will get back to us soon with some answers.

Mayor's Report – Mayor Burris

Mayor Burris asked Ms. Lewis if she had a report for the LBA.

Ms. Lewis responded that she hopes this situation discussed today can be resolved amicably as the businesses all want to work together harmoniously.

Mayor Burris again asked if Ms. Lewis will reiterate to the LBA members to please not have employees park directly in front of their businesses so that the patrons have better access to the businesses and ask that they utilize the Town parking lots.

Mayor Burris stated that the apartments on Lawrence Avenue have now received the go ahead from the State to begin demolition.

Also, Bank of America had a parking lot title snafu and they have now resolved this and are moving forward to begin the sale/auction of the building.

Events – Tyler Alt

Sam Grow performed for the first time in Leonardtown on Sunday, August 22nd and due to weather, the concert was relocated under the canopy of the Bell Motor Company which was a huge success.

Phillip Michael Parsons performed on Sunday, August 29th, at the Port of Leonardtown Winery.

Next up to play is Robbie Boothe on Saturday, September 18th from 3 PM – 6 PM at the Port of Leonardtown Winery.

Saturday, October 16th, the Amish Outlaws will play in the square with plans for other features that day (to be determined) which is also a charity benefit for former LBA President Danny Norris.

The Taste of St. Mary's took place on the Square this past weekend and was well attended.

UPCOMING EVENTS:

- The Antique Power Tractor Parade Sunday, October 10, 2021
- Trick-or-Treat on the Square Sunday, October 23, 2021
- The Veterans Day Parade & Memorial Ceremony Thursday, November 11, 2021
- Christmas on the Square Friday, November 26, 2021
- Tuesday Meet-and-Greet with Santa Tuesday, December 14, 2021
- Saturday Meet-and-Greet with Santa
- Saturday, December 18, 2021
- Santa & Mrs. Claus on the Square - Saturday, December 18, 2021

Community Development and Planning – Nick Colvin

Councilmember Colvin stated the we have had seven U&Os issues and twenty-three permits received last month. He attended the Taste of St. Mary's which was a great event.

Frogtown LLC opened up the concession stand at the Wharf selling a variety of ice cream and sold out the first week.

Utilities – Christy Hollander – No Report

SMMA Update – Jay Mattingly


Councilmember Mattingly reported that the SMMA meeting will be held at the Town Hall on Wednesday, September 15th at 6:00 p.m. both in-person/virtual. He attended the MML Board of Directors Retreat in Salisbury, September 8-10. The MML Fall Conference at Turf Valley Resort, Ellicott City, MD will be held October 10-12.

Business Development – Mary Maday Slade

Councilmember Slade gave a huge thank you to the Rex for hosting her daughter's 16th year birthday party and it was fantastic. The Taste of St. Mary's was a great event and she attended the Clement's Cuties game on September 11th which was phenomenal and a great way to honor 9/11. She has their calendar for sale if anyone would like to buy one as they do this to support kids with cancer.

Councilmember Mattingly moved to adjourn the meeting at 5:55 p.m.; seconded by Councilmember Alt, motion passed unanimously.

Respectfully Submitted:


Teri P. Dimsey

Approved:


Daniel W. Burris, Mayor


Tyler Alt, Councilmember


Nick Colvin, Councilmember


Christy Holländer, Councilmember

J. Maguire Mattingly IV, Councilmember

Mary Maday Slade, Councilmember