



Commissioners of Leonardtown

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DANIEL W. BURRIS
Mayor

LASCHELLE E. McKAY
Town Administrator

Town Council Meeting Minutes November 12, 2024

Live streamed video of the meeting can be found on
YouTube – www.youtube.com/c/TownofLeonardtown

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

Also, in attendance were: Laschelle McKay, Town Administrator; Teri Dimsey, Executive Secretary; Mike Bailey, Planning; Will Morehead, JustTech; Jennifer Misner, Main Street Manager, Roger Mattingly, LVFD; Laura Clarke, Clarke Consulting; SoMDNews; A complete list of attendees is on file at the Town Hall.

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

Approval of Minutes

Mayor Burris entertained a motion to approve the meeting minutes of October 15, 2024.

Councilmember Mattingly moved to approve the minutes of October 15, 2024 as presented; seconded by Councilmember Colvin; motion passed unanimously.

Treasurers Report – Sharon Strand

Budget Amendment BD2025-001 Office Construction Expenses

Final office build-out and purchase of furniture, equipment and computers for the three offices upstairs at Town Hall to move the Finance Dept previously authorized at the August 12, 2024 meeting.

Councilmember Slade moved to approve Budget Amendment BD2025-001 for the office build out for the finance department in the amount of \$56,443.99; seconded by Councilmember Colvin, no further discussion, motion passed unanimously.

Budget Amendment BD2025-002 Financial Software Update

The Finance Dept is requesting an update to the accounting software which will move the storage from the on-site storage to cloud storage and add modules to automate preparation of purchase orders, bank reconciliations, EFT bank transfers and helps eliminate significant duplication of processes.

Council had a few questions of procedures and use which were addressed by Ms. Strand.

Councilmember Slade moved to approve Budget Amendment BD2025-002 in the amount of \$35,336.72 to update the financial software for the accounting system; seconded by Councilmember Mattingly, no further discussion, motion passed unanimously.

Planning and Zoning Report – Mike Bailey

Mr. Bailey reported that there is a P&Z meeting scheduled for Monday, November 18th with one item on the agenda:

Case No. 03-24 Sheriff's Evidence Storage Building - Request for Concept approval for a site development plan for a two-phase project, Phase 1 - Evidence Storage Facility (20,611 sq ft. Bldg.) with associated parking & utilities infrastructure. Phase two New Sheriff's Headquarters (26,750 sq ft. Bldg.).

4:15 pm Public Hearing- Ordinance No. 225- Water Impact Fee Increase

Mayor Burris entertained a motion to close the regular meeting and open the public hearing on Ordinance No. 225 – Water Impact Fee Increase.

Councilmember Mattingly moved to close the regular meeting and open the public hearing; seconded by Councilmember Slade, motion passed.

Mayor Burris requested Ms. Laschelle McKay provide a summary of the Ordinance No. 225.

Ms. McKay reported that Ordinance No. 225 was introduced at the October 15, 2024 town council meeting. The public hearing was advertised in the County Times on October 31st and November 7th. Following the public hearing the Council may adopt the ordinance.

As discussed in the September 9, 2024 Town Council meeting when the Meadows at Town Run water tower contract was awarded, the water impact fee would need to be increased to meet the debt service for the financing of the water tower and well. In 2019, in anticipation of the need to build a tower and drill a production well, the impact fee was increased from \$1,800 to \$3,000. Now that we have real numbers for the tower and anticipated costs for the Meadows of Town Run Well, we need to make that increase. As discussed, many times, these projects that are needed to accommodate future growth are planned to be paid for from the growth projects and not from the existing residents through taxes.

Mr. Gordon Stellway, Avenmar Dr., Leonardtown addressed the Council and stated that he is concerned about the growth in Leonardtown. How is the water and sewer provided, will there be wells for the homes or other methods? Traffic along Route 5 and Hollywood Road for future impact needs to be considered.

Mayor Burris remarked that in regards to the water and sewer, all Town residents and businesses within the corporate limits of the Town are required to be hooked into our water/sewer system. The recent WWTP upgrade is to expand the Town's capacity for future growth. This has been planned for many, many years. In regards to Route 5 and Clark's Rest entrance, we have been working with the Maryland State Highway for a long time to place a light at the entrance and it appears that they are working towards doing so once we the Tudor Hall connection is designed and, the State will work with the developer who will be financially responsible for construction of that traffic intersection. Also, Leonardtown is one of two designated growth areas of St. Mary's County which means we have to plan for additional growth.

Ms. McKay stated that unfortunately, both Route 5 and Hollywood Road are owned by the State of Maryland so we, as the Town, have no authority or control of these roads. They have fully designed improvements, some made over these last several years and they set aside funds for these improvements but the State is unable to complete the project(s) because the State has decided it is not a priority and they have not funded the rest of the project. The Town and the St. Mary's County Commissioners advocate regularly to the State to begin work on these projects. Traffic studies and other measures are required to be done at the beginning of any project for any roads that are involved in any development for roads the Town owns.

This is good timing though, as the Town is in the midst of updating their Comprehensive Plan and we recently had a public meeting to hear comments from our residents/businesses for consideration of incorporation to the Comprehensive Plan. We will be holding two public hearings for Planning and Zoning Commission to hear from the public, and another for Town Council to look at where we grow, how we grow and certain categories/infrastructure we have to look at within the plan that is submitted to the State for final approval. Keeping the rural feel of the Town is very important to the committee and we invite you to attend these meetings and speak out so we can learn more from our community.

Mr. Stellway thanked Mayor Burris and Ms. McKay for their information but hopes the Town will consider some restraint in future decisions.

Mayor Burris asked for any further comments from the public. There being none, he entertained a motion to close the public hearing and open the regular meeting.

Councilmember Mattingly moved to close the public hearing and open the regular meeting; seconded by Councilmember Earhart, motion passed.

Ms. McKay stated Ordinance No. 225 is for the Development of Impact Fees of the Code of the Town of Leonardtown for the purpose of increasing the amount of water impact fees payable upon the issuance of occupancy permits in the Town of Leonardtown and providing certain exemptions therefrom; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to development impact fees in the Town of Leonardtown and in accordance with the foregoing authority, that on April 9, 1990, the Council passed Ordinance No. 61 for the purpose of establishing water and wastewater impact fees in the Town, the purposes of which are to require all new development to pay its proportionate fair share of the costs for capital facilities and other expenses necessary to accommodate impacts of new development on the Town's water and wastewater systems and provide financing, in whole or in part, for the capital costs, including debt service, of additional or expanded improvements to the Town's water and wastewater systems and facilities reasonably necessary to accommodate new construction and improvements.

Ms. McKay stated that the Town looks at what the actual costs to a water project are, we look at how many impact fees on the average we are collecting per year and what our debt service will be and how many EDUs we will need to collect, which is another reason for growth is to continue to pay this so that the residents do not have to pay these costs, so we try to be very mindful of these associated costs.

Councilmember Colvin moved to approve Ordinance No. 225 to increase the water impact fee from \$3,000 to \$6,000 for new water connections; seconded by Councilmember Hollander, no further discussion, motion passed unanimously.

4:30 pm Public Hearing- Ordinance No. 226- Repeal Article III-Admissions and Amusement Tax Collection

Mayor Burris entertained a motion to close the regular meeting and open the public hearing on Ordinance No. 226.

Councilmember Mattingly moved to close the regular meeting and open the public hearing; seconded by Councilmember Earhart, motion passed.

Ms. McKay reported that Ordinance No 226 was introduced at the October 15, 2024 meeting. The public hearing was advertised in the County Times on October 31st and November 7th and added to the Town website. Following today's public hearing the Town Council may approve Ordinance No. 226. No comments were received.

The Commissioners of Leonardtown enacted an admissions and amusement tax back in 1972. The tax was/is collected by the Comptroller of MD and a portion is withheld by the State for collection services. This is not a required tax. As mentioned last month, Councilmember Slade and I have been working on better understanding this process for about a year. The State definition of who pays the tax is outdated and because many of the business types have changed over the years there is a lot of confusion about who pays the tax. And there is not any education in place to help guide them. Further complicating the issue for A&E Districts, the Town approved the waiver of the Admissions and Amusement tax for businesses in the A&E District in 2013 and again in 2023, as allowed by the State. This fiscal year we budgeted \$100 in the line item. In FY22 we collected \$32.79 and in FY23 \$222.69. The Town set the A&A tax at 1% for gross receipts of movies and 10% for all other qualifying activities. 10% is the maximum allowed. St. Mary's County is set at 2%.

This is a very small amount of income collected and because of the confusion it causes for the businesses we are recommending abolishing the tax for all in Leonardtown. Most of our businesses that are required to pay are in the A&E District anyway and it would be waived. The tax could be revisited and revised at a later date to bring the issue more up to the times. We feel this is the most equitable way to resolve this at this time.

Mr. Gordon Stellway remarked that he is in favor of repealing the tax.

Councilmember Mattingly moved to close the public hearing and open the regular meeting; seconded by Councilmember Slade, motion passed.

Councilmember Slade moved to approve Ordinance No 226 to repeal Article III of Chapter 137 of the Code of the Town of Leonardtown and abolish the admissions and amusement tax; seconded by Councilmember Colvin, no further discussion, motion passed unanimously.

Leonardtownt Wharf Food Hall Redesign Proposal

In early 2024 we put out an RFI for the Food Hall at Leonardtown Wharf. One proposal was received. The proposal included architectural renderings for a three story 18,640 square foot building. Construction estimates were in excess of 5 million dollars. This was not economically feasible to build. We met with a group, FireTen Hospitality who build and manage food halls all over the country. They gave us guidance on what worked and what didn't in their experience with Food Halls. Taking this additional information, we revised the concept to reduce the Food Hall size of the building and added some public amenities. The next step would be to have the drawings revised to get some construction estimates and then bring the plan forward to see if the Council wants to proceed with the private proposal in conjunction with a public portion. The original drawings were done by local architect Spence Bowling and were funded by the proposer from the RFI. Mr. Bowling has quoted a maximum of \$15,000 to revise the plans. This is about \$30,000 in work but he really would love to see this project come to fruition. We have \$309,243 set aside for the waterfront revitalization fund after using \$200,000 toward the land for a parking lot at the Wharf earlier this year. I would recommend taking the \$15,000 from this fund to allow the project to proceed toward becoming a reality in the near future.

Councilmember Earhart moved to authorize the Town Administrator to engage Spence Bowling of Wicomico Development Corporation to amend the architectural drawings for the Ice House Food Hall drawings. The cost not to exceed \$15,000; seconded by Councilmember Hollander, no further discussion, motion passed unanimously.

Academy Hills Storm drain Repair Project

Since 2017, staff has been working with the various Academy Hills HOA boards to try and alleviate some of the water issues their neighborhood experiences due to the extreme topography and developer problems experienced years ago. Recently we worked with the HOA Board to design a revision of the storm drain systems in the area of Rose Hill between Nazareth and Kentucky Court. Mike Bailey did the design and we are proposing the Town doing the work in the right of way and the HOA would cover the work on private property. I have attached pictures of the standing water and copies of the plan. The estimate for the entire project from the town contractor is around \$34,000. We budget \$65,000 for storm drain projects each year. We have a project on Camalier Drive that is in the que to be done this year but this one should be achievable in the same budget year.

Councilmember Slade moved to approve the storm water improvements in the public right of way in Academy Hills along Rose Hill Drive to help with the standing water issue being experienced there; seconded by Councilmember Mattingly, Councilmember Earhart abstained, no further discussion, motion passed.

Updates – Laschelle McKay

There were a series of workshops that were held to hear from the Main Street Advisory Council and an open public meeting on the Comprehensive Plan. We received great input from the public and the committee members. Once the committee has updated the Comprehensive Plan, we submit to the State for their review, it comes back to the Town, and we can make additional changes if needed. We then hold public hearings with the Planning and Zoning Commission and then a public hearing before Town Council. After approval we send it back to the State for finalizing.

Thank you to J&H Solutions, who upgraded much of our signage throughout the downtown, in the square and some down at Leonardtown Wharf, which was a significant donation of more durable materials than regular wood.

Leonardtown Main Street Update - Jennifer Misner

Ms. Misner noted she provided Council with a report outlining the recent activities.

Police Report – Deputy Roszell

A written report was provided.

Mayor’s Report – Mayor Burris

Mayor Burris reported that the Veterans Day Annual Parade was well attended and it was a touching Memorial Ceremony.

LBA Report – Kristy Parker

Ms. Parker reported that the First Friday Shopping Stroll went very well and the Retail Committee is already planning to do again for 2025. LBA invites the Mayor and Council to join us for our December Holiday Mingle, which will be held here at the Town Hall on Friday, December 13th at 8:15 a.m.

Events – Heather Earhart

Councilmember Earhart reported that she enjoyed the Annual Veteran’s Day Parade and Memorial Ceremony and is looking forward to being part of the Christmas on the Square.

Community Development and Planning – Nick Colvin

Councilmember Colvin thanked the Town Staff and all the volunteers for all their help in making Veteran’s Day Parade/Memorial Ceremony go so smoothly. There continues to be steady number of permits and U&Os.

Utilities – Christy Hollander

Councilmember Hollander also thanked the staff and volunteers for their work to pull together a fantastic Veteran’s Day Parade.

SMMA Update – Jay Mattingly

Councilmember Mattingly reported that he, along with Council Member Earhart, attended the MML Fall Conference in Cambridge which was very well attended.

Business Development – Mary Slade

Councilmember Slade said she enjoyed the beautiful weather and walking in the Veteran’s Day Parade. Thanks to everyone for all their work to make it a great event.

Mayor Burris entertained a motion to adjourn.

Councilmember Mattingly moved to adjourn the meeting at 5.07 p.m.; seconded by Councilmember Slade, motion passed unanimously.

Mayor Burris will be available for any discussions for the next 30 minutes.

Respectfully Submitted:

Teri P. Dimsey

Approved:

Daniel W. Burris, Mayor

Nick Colvin, Councilmember

Heather M. Earhart, Councilmember

Christy Hollander, Councilmember

J. Maguire Mattingly IV, Councilmember

Mary Maday Slade, Councilmember

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