

**COMMISSIONERS OF LEONARDTOWN**

**Town Council Meeting Minutes**

*January 9, 2006 ~ 4:00 P. M.*

Attendees: J. Harry Norris, Mayor  
Walter Wise, Vice President  
Bernard Delahay, Councilmember  
Charles R. Faunce, Councilmember  
J. Maguire Mattingly, III, Councilmember  
Leslie E. Roberts, Councilmember

Also in attendance were: Laschelle Miller, Town Administrator; Colleen Bonnel, Planning Director; Rebecca Sothoron, Town Treasurer; Teri Dimsey, Recording Secretary; Tom Collier, Resident; Jean and Frank Holmes, Residents; Dan Burriss, President, Leonardtown Business Association. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Norris called the regularly scheduled meeting to order at 4:00 P.M. After the recitation of the Pledge of Allegiance, Mayor Norris proceeded to take up the first item of business.

**Approval of Minutes:**

The meeting minutes for the December 12, 2005 Town Council meeting were presented for approval.

**Mayor Norris entertained a motion to approve the December 12, 2005 Town Council meeting minutes. Councilmember Mattingly moved to approve the minutes, seconded by Councilmember Wise; motion passed unanimously.**

Mayor Norris asked Deputy Mark Clark to present the police report.

**Police Report – Deputy Mark Clark for Deputy Gray Maloy**

Deputy Clark informed everyone that Deputy Maloy's wife had a baby and that Deputy Maloy may be off for a maximum of six weeks under the Family Medical Leave Act (FMLA). In the interim Deputy Clark will be the Town's contact. He was pleased to report that the evening patrol checks had again been initiated and have received very positive response from the businesses. He presented a written report of the month's activities.

Mayor Norris interjected that some of the businesspeople have talked to him and expressed that the evening patrol checks give them an additional sense of security. He thanked Deputy Clark for attending, presenting the report and for the continued evening patrol checks.

Mayor Norris moved on to the next order of business.

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

Ms. Sothoron referred to the financial information for December included in the councilmembers packets.

There was a transfer of \$135,000 in December to the checking account. The accounts payable report reflects the very heavy expenditures for that month which was why the transfer was necessary.

As you review the income statement, you will note that we are 50% through the budget year.

You have received a draft budget calendar. The schedule remains the same as in the past with the objective to approve the 2007 budget before the Town election. Workshops will be held in March.

At the end of the calendar year there were 75 residential occupancy permits issues.

Councilmember Wise asked for clarification on the 75 residential occupancy permits.

Ms. Sothoron explained that the Town approved 75 residential occupancy permits compared to previous years of 12 to 15 residential occupancy permits a year.

The utility billing implementation on the new system is now complete. Both systems are running simultaneously and there will be one more billing on the old system and then a switch over in June to the new form. The new form may be problematic due to formatting; the council will be kept informed of the progress.

### **Town Planners Report – Colleen Bonnel:**

A written update of the December 19, 2005 Planning and Zoning Commission meeting is included in the councilmembers packets.

The Planning and Zoning Commission had a lengthy discussion on the **Planned Infill and Redevelopment District (PIRD)**. The Planning and Zoning Commission will be forwarding a recommendation on the PIRD; the plan is still in development and is on the agenda.

The Planning and Zoning Commission heard a presentation from WCI Communities on **Tudor Hall Village**, the same presentation that was given to the Town Council on December 12, 2005. Because this is a completely new concept plan, it has been assigned a new case number, #155-05. **No action taken, presentation only.**

**Case #154-05 – St. Mary’s Hospital Concept Plan** was presented. The hospital presented a plan to build a 7,150 sq. ft. addition and an ambulance canopy addition of 1,300 sq. ft., adding approximately 131 new parking spaces and a new vehicle circulation pattern. This project was discussed and the concept plan approved by the Planning and Zoning Commission for the building addition and site design only. Parking lot and vehicle circulation pattern changes and modifications are pending. **They will be coming back before the Planning and Zoning Commission.**

The next **Planning and Zoning Commission meeting will be on Tuesday, January 17, 2006** (due to the holiday). On the agenda will be **Case #104-05 Leonardtown Elementary School Renovations and Addition Site Plan** approval request. The school currently sits on 17.08 acres of land and is proposing to remove the existing four trailers that are on the site. They are going to be adding stormwater management, as well as, bio-retention areas to the school facility. The school is currently 53,643 sq. ft. and after the additions and renovations is proposing a total of 66,513 sq. ft. It is approximately 12,870 sq. ft. of classroom addition and public use auditorium changes and renovations to the building. They are redesigning the bus loop for a better circulation system for the children, as well as, the vehicles and buses. They will be reviewing that and making a determination for the site plan.

Ms. Bonnel provided a brief project update:

New facilities - Arizona Pizza will hold their grand opening soon, invitations to attend a pre-opening dinner will be distributed to councilmembers and Town staff.

With a full secretarial staff we were able to put together the November 2005 and December 2005 in-house permits report.

Ms. Bonnel asked for any comments/questions. There being none, Mayor Norris asked Ms. Miller to present the Town Administrator’s Report.

### **Town Administrator’s Report – Laschelle Miller**

**Ordinance No. 122 - Road Construction & Maintenance Bond** - This Ordinance was introduced at the December 12, 2005 meeting. The Council can take action at this meeting.

**Councilmember Roberts moved to adopt the Road Construction & Maintenance Bond Ordinance #122, Councilmember Wise seconded. Mayor Norris opened for discussion/comments.**

Councilmember Faunce noted there was information on the streets and sidewalks but did not see anything regarding the sewer. Ms. Miller responded that there are other draft ordinances in process that will include the sewer system.

Mayor Norris asked Ms. Miller to read the ordinance aloud. After reading the ordinance, Ms. Miller explained that presently the Town does not have any coverage. The councilmembers

clarified that this will be for two years and Councilmember Mattingly asked if two years was a good guarantee for the Town. Mayor Norris deferred to Councilmember Wise for his opinion as he had originally suggested this for the Town's benefit. We have quite of bit of development coming to Town and Councilmember Wise said this is a step to cover the Town's liability and, if necessary in the future, the number of years could be increased if the Town finds there is a need. It is a way to protect the Town as we work with builders and Homeowners Associations.

**There being no more discussion, the motion was passed, unanimously.**

**Re-Introduction of Ordinance No. 123 - Planned Infill and Redevelopment District** - This Ordinance was discussed at the December 12, 2005 meeting. Due to timing issues a public hearing was not held at the December P&Z meeting but is scheduled for the January 17, 2006 meeting. At this time the only action needed by the Council is to forward the Ordinance to the Planning Commission for a public hearing and a recommendation back to the Council at the February meeting. **Concensus was received.**

**Appointment of the Election Judge** - Mr. Ernie Bell has once again agreed to act as the Election Judge for the May 2, 2006 election. The Council needs to appointment Mr. Bell for the upcoming year. A copy of the Election calendar is also included for your information. **Concensus was received.**

**Streetscape Area Water and Sewer Proposal** - Staff is requesting direction on the previously discussed issue of water and sewer line replacement along Washington and Fenwick Streets in the areas affected by the SHA streetscape improvements. This item has been included in the budget for a number of years but has been postponed until the streetscape project moved forward. SHA and the Town have been able to reach an agreement with St. Aloysius Church regarding the additional right of way needed for the improvements so the streetscape project is moving forward. The project schedule is being completed and in large part is contingent upon whether the Town will be moving forward with the upgrade of its lines in this area. This would need to be completed before the State makes its improvements. Stearns and Wheler's proposal for design and engineering is attached. The amount is \$54,200 including bid phase services. Stearns and Wheler have assured us of fast tracking the project to work into the SHA schedule. In the FY06 Budget \$264,828 was included for this project. However Rebecca has not had the opportunity to revisit the financial side since other projects have moved forward and may change those numbers. The biggest issue is whether we have the funds and manpower to take on the project at this time. However the down side of not doing the project now is that we would have to tear up the street after the streetscape project was completed to do the work later.

Councilmember Roberts felt that it was best to move forward and repave all the roads so that it would not be necessary to tear them up later.

Councilmember Wise expressed concern about the water lines and Councilmember Delahay agreed. Ms. Miller explained that the only section that would affect the water line was Shadrick Street out to Rt. 5. It is a small water line and although it is in decent condition it will most likely be replaced. We will sit down with an engineer before making a final decision. Timing is most important; we need to complete this before SHA can get their streetscape out to bid.

**Councilmember Faunce moved to accept the design and engineering proposal for \$54,200 from Stearns and Wheler, motion seconded by Councilmember Roberts, no further discussion, motion passed, unanimously.**

**Parking Lot Update-** The parking lot is nearing completion. A ribbon cutting will be scheduled when the weather clears. It is anticipated that this project will be a showcase for low impact development around the area. Construction has gone very smoothly.

Councilmember Wise would like to see a billboard or sign explaining the project and how it works. Ms. Miller responded that the plan was to have an educational sign posted to explain the function of the pavers and the bio-retention area.

Ms. Miller voiced her excitement that both the Maryland Home Builders Association and Wentworth want to showcase this project as an example for use in sensitive areas.

The Mayor brought up that the bio-retention system would work unless it should get clogged up or the Town does not maintain it properly, an accumulation of mud and dirt could make a big difference. Councilmember Wise suggested the parking lot be restricted from commercial vehicles. The councilmembers agreed and suggested appropriate signage be posted to also include the use of the alley.

**Tudor Hall Village -** Ms. Miller referred to the letter from Barry Schwartz, WCI Communities and the issues WCI felt needed to be resolved to move forward on the Tudor Hall Village Concept Plan. The councilmembers have a copy before them of a draft response letter back to WCI Communities that spells out the issues that were discussed at last month's Town Council and Planning & Zoning Commission meetings, from various conversations and information pulled from Mr. Schwartz's letter. Ms. Miller asked the councilmembers to take a moment to read and review. The letter spells out that the plan is to be limited to a ten-year build-out, which is the Town's main concern. Both the Clarks Rest and Leonard's Grant developments are being held to the same build-out plan. This is not just due to the EDUs, but also school capacity, other infrastructure and overall the amount of growth the Town can reasonably absorb in a year with these three developments. Ms. Miller requests the Mayor and councilmembers sign the letter today.

Mayor Norris remarked that there are still a lot of issues to resolve before finalizing. There are major changes from the original concept plan presented five years ago and what WCI currently proposes; it is quite a process. We have said all along to WCI that with a small Town staff, we cannot move at their pace. WCI has written a long list of items that Mr. Schwartz addresses in his letter, but our main concerns are two particular items. One, that we supply water and sewer sufficient to their plans and two, that they move forward as planned without being made subject to St. Mary's County Adequate Public School Facility Ordinance. We feel that it would be irresponsible of us to move forward without the proper infrastructure and, at no time, did staff, the council or myself indicate we would not work with the county in regards to the public facilities and school system. The draft response letter basically states that the plans will be subject to the Adequate Public School Facility Ordinance and that we will impose a build-out

similar to what we proposed to the other developments for the same reasons we have discussed over the past few months. If we can't get past those two points, there is no reason to waste time discussing the rest.

Councilmember Delahay noted that each development is limited to 35 units per year and this was discussed with the other two developments.

Mayor Norris replied that their concept plans were approved with the 35 units per year with the understanding this could be readdressed depending on the Town's future capacity. Councilmember Delahay agreed that the three developers have been told they may be able to develop more rapidly after the sewer treatment plant is expanded.

Councilmember Delahay expressed concern that we are addressing the infrastructure costs with the developers.

Ms. Miller stated that the impact fees have been increased but will not cover all the costs. As we get closer to bidding the expansion there will be another increase to help cover the cost of the project and this will be covered by the new developments, not by the existing residents. The developers are aware of the figures and each has received the current figures, as well as, the estimates, which keep going up. There will also be a new impact fee that will be in place for new development, which will include commercial and any existing lots. Any undeveloped properties will also be subject to the new impact fee structure.

Ms. Sothoron remarked that we are still operating under a "window of grace period" that the Council approved when they changed the impact fee. For example, if you have a sub-divided lot as of June 2006, but you don't develop by June 2006, then you lose that grandfathered lower impact fee and you will be required to pay the higher impact fee.

Councilmember Delahay pointed out that the new impact fee does not address the cost of the plant expansion.

Ms. Sothoron replied she cannot estimate what the new impact fee will be until we get closer to bidding the job.

Ms. Miller stated that the letter to WCI does stress that the current residents will not bear the cost of the expansion.

Councilmember Roberts felt the wording regarding the Board of Education and the point about rezoning was nicely stated.

Mayor Norris noted he and Ms. Miller would be meeting with the Rotary club on the plans for Tudor Hall Village. Also, WCI will be presenting the Tudor Hall Village plan to the Leonardtown Business Association (LBA) at 5:30 p.m. on Wednesday night.

### **Miscellaneous Updates**

Ms. Miller stated that the SMMA dinner on January 18 would now be held in La Plata and not North Beach. Councilmembers Roberts, Faunce and Mattingly will attend.

Ms. Miller announced that the County has put out a Request for Proposals for the Winery to evaluate the existing building, what the overhead would be to get the building equipped for a winery, the sizing layout, the cost for renovations and the costs associated with running a winery and to develop a business plan. This is moving forward and will be funded by the County.

Ms. Miller remarked that the Town needs to move forward in finalizing the waterfront plan. The initial drawings done by Tony Redman were previously brought before you and we need to get more detailed plans and drawings. The Mayor recently had a meeting with our consultant Sam Crozier and discussed providing a more detailed plan. Mr. Crozier will take what Tony Redman has already done and build on that, actually looking at management policies, visiting other towns to see what they do with their dockage and providing us with more detailed information. Mr. Crozier has submitted to us a proposal estimate for \$9,000 to \$12,000 maximum (plus reimbursable costs such as miles and printing) to do the next phase of the waterfront plan and he estimates it will take approximately 4-5 weeks to complete everything that is listed in that proposal.

The councilmembers agreed that it is important to get different ideas and know what others are doing so that we don't make the same mistakes.

Councilmember Delahay asked about the status of the water depth survey. Ms. Miller replied that WCI has completed the survey and we should be receiving that information in the next week or so.

Mayor Norris remarked that whether WCI moves ahead or not, the waterfront plan is very important to the Town.

**Councilmember Roberts moved to accept the proposal from Crozier and Associates for a maximum of \$12,000, Councilmember Mattingly seconded, motion passed, unanimously.**

**Council Reports:**

**Events – Councilmember Mattingly:**

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

| <u>Date</u>                            | <u>Time</u> | <u>Meeting</u>  |
|--|-------------|---|
| Tuesday, Jan. 10                       | 9:00 AM     | Chamber Tourism Committee Meeting @ Chamber Office (SM Airport Conf. Room)                          |
| Wednesday, Jan. 11                     | 5:30 PM     | LBA Meeting @ Town Hall   |
| Wednesday, Jan. 11                     |             | 2006 General Assembly session begins  |
| Monday, Jan. 16<br>Campus              | 8:30 AM     | So. Md. Martin Luther King, Jr. Prayer Breakfast @ St. Mary's College Center                        |
| Tuesday, Jan. 17<br>11 <sup>th</sup> ) | 11:30 AM    | Chamber Membership Luncheon @ Outback Steakhouse (RSVP by Jan. 11 <sup>th</sup> )                   |
| Thursday, Jan. 19                      | 6:30 PM     | SMMA Dinner & Business Meeting @ North Beach  |
| Friday, Jan. 20                        | 7 - 9:30 PM | Southern Maryland Trails, Social @ J. T. Daugherty Center   |
| Wednesday, Jan. 25                     | 7:30 AM     | Governmental Affairs Committee Meeting @ Chamber Office   |
| Wednesday, Jan 25<br>Corporation,      | 5:30 PM     | Chamber Business After Hours @ The Community Development<br>21783 North Coral Drive, Lexington Park |
| Saturday, Jan. 28<br>Banquet           | 6:00 PM     | Leonardtown Volunteer Rescue Squad Installation of Officers and Award<br>@ Fire House               |
| Thursday, Feb. 9<br>& Friday, Feb. 10  |             | Maryland Mayors Association Conference @ Loews Hotel, Annapolis                                     |

**Streets and Roads – Councilmember Wise: No report**

**Traffic/Police – Councilmember Faunce: No report**

**MML - Councilmember Roberts - No report**

Councilmember Faunce asked where we stood with the acquisition of the land to widen Rt. 5 and put a turning lane in. Does the State do that or the Town? Could it be done in phases, a few blocks at a time?

Ms. Miller responded that it is up to the Town to pursue the additional land that is needed. The State decides the priority for funding.

Councilmember Delahay questioned why it is up to the town to pursue this?



Ms. Miller replied that the State is willing to work with us but they have stated that it is up to the Town to pursue the land acquisition and that we obtain that land before they will move forward with funding construction.

Resident Jean Holmes requested permission to speak from the floor. She told the council that the State took their land, paying under its value, to put in the Solomon's Island Bridge. Why can't we put pressure on the politicians to do this and move forward to acquire the land?

Mayor Norris stated that the County Commissioners and Delegates have worked hard to help resolve the problems on Rt. 5. This is not a political thing, it is up to State Highway Administration to designate this a priority.

Ms. Miller noted that over the last couple years this project has moved up the SHA priority list for St. Mary's County into the top five and that Commissioner Mattingly has helped to put this project in the forefront, but it will take time.

Councilmember Delahay inquired how this could be pursued before any engineering plans are done by the State to find out how much land they are going to require.

Ms. Miller responded that they haven't done any engineering plans, but the SHA have provided us with an overlay of existing roads and what they anticipate will be needed in each area along Rt. 5 from Rt. 245 all the way out to Rt. 243. This information is important as we move forward with new development along Rt. 5, from example the Clark Farm provided the land needed to widen Rt. 5 along that section of the road. As you move to the areas in front of Mattingly's and the residential units it becomes more complicated.

Councilmember Delahay remarked that the only thing we can do as far as the Town is concerned is to let the new developers know that this is the State's plan and this is what they will require for acquisition for expansion on this road.

Mayor Norris stated that we are doing our job but the State determines the priorities and they will acquire whatever additional land they need.

#### **Adjournment:**

**Mayor Norris entertained a motion to adjourn. Councilmember Mattingly moved to adjourn the meeting. Councilmember Faunce seconded the motion, which passed unanimously. The meeting adjourned at 5:00 P. M.**

Respectfully Submitted:

---

Teri Dimsey, Recording Secretary

**Approved:**

---

J. Harry Norris, III, Mayor

---

Walter Wise, Vice President

---

Bernard y. Delahay, Councilmember

---

Charles R. Faunce, Councilmember

---

J. Maguire Mattingly, III, Councilmember

---

Leslie E. Roberts Councilmember