

**Commissioners of Leonardtown**  
**Town Council Meeting Minutes**  
**March 12, 2007 ~ 4:00 P.M.**

Attendees: J. Harry Norris, Mayor  
Walter Wise, Vice President  
Thomas Collier, Councilmember  
Robert Combs, Councilmember  
J. Maguire Mattingly, III, Councilmember  
Leslie E. Roberts, Councilmember

Also in attendance were: Laschelle Miller, Town Administrator; Jennie McGraw, Plans Reviewer; Rebecca Sothoron, Town Treasurer; Teri Dimsey, Recording Secretary; Wayne Davis, W.M. Davis; Ned Brinsfield, Brinsfield Funeral Home; Loic/Karleen Jaffres, Café des Artistes; John Wharton, Enterprise; Dan Burris, LBA. 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 February 12, 2007 Town Council meeting were presented for approval.

**Mayor Norris entertained a motion to approve the February 12, 2007 Town Council meeting minutes; Councilmember Roberts moved to approve the minutes, seconded by Councilmember Mattingly; motion passed unanimously.**

**Our Town Award**

Mayor Norris asked Loic and Karleen Jaffres of Café des Artistes to come forward. Mayor Norris remarked that the Council selects people that do nice things for the Town and also go above and beyond for the Town in various aspects, whether it is a citizen or a businessperson. Some who have made our Town a better place and a place other people want to come to and be a part of.

Mayor Norris presented to the Jaffres from the Council a plaque reading “Presented to Loic and Karleen Jaffres for their outstanding contributions for the promotion of the Town of Leonardtown”. Mayor Norris stood with the Jaffres for a photograph to be placed in the upcoming Beacon.

The Jaffres stated that they are very honored to receive this award and were overwhelmed and surprised by the presentation.

Mayor Norris commented that the Café is a place people talk about and it brings people into the Town but the Jaffres have always provided assistance to the Town in so many ways and we are very appreciative.

### **American Red Cross Proclamation**

Mike Zabco was unable to attend due to illness.

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

Ms. Sothoron stated that normally she would start off with the Income Statement and Financial Statement for the month but Jackie Post, who helps her with that a great deal, was out sick the entire week so the report was unable to be completed. Once it is completed a copy will be placed in your mailboxes. During the month I had to transfer \$300,000 to the checking account.

Councilmember Roberts noted that she was looking at the salting bill and snow removal and asked if this is within our budget?

Ms. Sothoron responded we are fine but she has not received the most recent one for the event a week ago, although we are really close.

Ms. Sothoron noted that she had distributed a revised budget calendar. In taking all of the departmental budget requests and developing the draft budget it was significantly more challenging than anticipated so staff and the Mayor have not had an opportunity to spend enough time working on it.

We also had requested that you substitute one of the budget workshop sessions with a Waste Water Workshop. We would like to move the budget process back one month, as this year is not an election year we have an extra month. Please look at the revised budget schedule and let me know if there are any conflicts.

Ms. Sothoron noted that the Audit Contract would also be up for re-bid by July 1.

### **Planner's Report – Laschelle Miller**

Next week's agenda has not been finalized. Minutes from last month's meeting and agenda will be placed in your mailboxes.

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

**Liquor License Letter of Support for Dan Guenther-** Dan Guenther is here to present his proposal for a liquor store in the Breton Marketplace at 25470 Point Lookout Road. He is asking for a letter of support for the Liquor Board.

Mr. Dan Guenther commented that Mr. Wayne Davis had a few items to address first.

Mr. Davis presented to Council concept drawings of the building where the liquor store will be, next to Salsa's Restaurant and they plan to bring upscale retail businesses to the center.

Mr. Guenther remarked that their plan is to bring something unique to Leonardtown and are seeking an alcohol license for beer, wine and liquor. It will be off-premises only. The plan is to provide an upscale fine wine, high-end spirits and specialty cheeses.

Mr. Guenther noted that they are on the April 19<sup>th</sup> agenda for the liquor board and are requesting a letter of support from the Town.

Councilmember Roberts stated that they are what we are looking to hear. We are struggling with the volume of liquor licenses we have been approving and sending to the liquor board and we certainly have no problem where there is a restaurant involved providing a liquor license for them but this will be the second request, following a recent request, for a liquor store. One thing we were interested in hearing is how your store would be different and the clientele you expect to attract.

Mr. Combs remarked that this store would be in competition with other existing businesses in Town, do you think you can draw enough out of town business.

Mr. Guenther replied that he has done a bit of a market study on this and I have been into the other retail establishments and this store will be completely different, catering to more of an upscale clientele. There is a market for what they sell and a market for what we sell.

Councilmember Collier asked what other types of items they will be selling and how will your business compare to the winery.

Mr. Guenther responded that they would be selling beer, wine and liquor, along with quality cheeses and wine accessories. We will compliment them and also plan on selling their wines and work together to increase our community's wine awareness.

Mayor Norris commented that he had attended the Liquor Board meeting a few weeks ago to offer support for the McKay's liquor license because we felt it was necessary for the opening of the grocery store. Council needs to weigh the endorsements depending on the businesses and how it will enhance the Town and we need to be sensitive to any direct competition and if this would have any negative impact on any existing businesses.

Councilmember Combs remarked that we have been doing this too often. You have come in prepared, showing us how different this liquor store will be. Again, this is still a liquor store and we have an upscale wine and cheese store along Fenwick that has not opened yet. This presents competition and I believe we have a responsibility to the other businesses in Town

Councilmember Mattingly stated that any business is a risk and each business is challenged to stay in business.

**Councilmember Roberts moved to approve sending forward a letter of support to the Liquor Board for Breton Wine and Spirits; Councilmember Mattingly seconded, no further discussion.**

**Councilmember Roberts, Wise and Mattingly voted in favor of the motion; Councilmember Collier and Combs opposed the motion.**

**Son Rise Service Proposal for Leonardtown Church of the Nazarene** - The church has requested to hold a 7:30 a.m. Sunday service on the Town Square on April 8, 2007. There will be no road closures.

**Resolution 1-07 and Letter of Support for New Towne Village Rehabilitation** – In your packets is a request letter from the owners of New Towne Village. They are pursuing funding for renovating the 24 year old, 36 unit senior housing facility. They need a letter of support, a resolution and a zoning letter from the Town. Copies of drafts of all of the requested items are attached. Upon review of the zoning it appears that at some point, improper zoning was shown on the zoning map. The parcel is being shown as Residential Single Family. Leonard's Freehold is shown correctly as Residential Multi Family. The parcel was originally part of the Tudor Hall PUD. I am researching this error to try and correct it. That is indicated in the zoning letter.

Councilmember Collier clarified that the Town will not be taking on any financing.

Ms. Miller responded no, not at all, we approve of the project being renovated. This is actually a resolution from DHCD and is their standard resolution. DHCD does not want to come in and do a project if the Town does not approve.

Councilmember Collier noted that we stated we approve the project but they would still have get permits and meet all of our requirements.

Ms. Miller replied yes, they would have to get the proper permits and if they make any architectural changes, they would need to come before the Planning and Zoning Board.

Councilmember Mattingly asked if the amount needed to be shown in the resolution.

Ms. Miller stated that DHCD did not want any wording changed but some wording was changed regarding the financing aspect paragraph and that was changed to make clear that the Town is not providing any financing.

**Councilmember Combs moved to approve Resolution #1-07 and to forward a letter of support, Councilmember Roberts seconded, no further discussion, motion passed unanimously.**

**Goddard Indoor Recreational Center** – A letter of request from Mr. Todd Ferrara and Mr. Phil Rhiel was included in your packets. They would like to pursue a recreational facility at the intersection of Rt. 5 and Medley's Neck Road. The parcel currently has 4 EDUs but it appears that the facility would possibly require 5 EDUs. They are requesting that if they receive approval from the County that the Town would authorize an additional EDU for use outside the Town boundaries. Attached is a copy of the parcel location as well.

Mr. Phil Rhiel came forward to provide a brief overview to the Council. Mr. Rhiel explained that he is one of three partners in this project. We are planning on building an indoor recreation center and this property has 4 EDUs. When we went before the Tech Review Committee they said that we  
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could build a recreation center this size (210 feet by 235 feet front to back) and the Tech Review committee asked us to scale down the total square footage to 50,000 sq. ft. We had to find a classification for zoning, the land will accommodate the recreation center but then the question became the capacity, how many people will be have on a normal on-going basis and the answer was 40, 80 or 120. So if we took 120 people in the building on a regular basis, we would need 5 EDUs. If the capacity were only 80 on an on-going basis then we would only need 3.75 EDUs. We have 4 EDUs. I am not sure at this point if we will need the extra EDU but wanted to inform the Town in the event a request for the additional EDU is required. This will be based on the surveys we have to provide the Tech Center review.

Councilmember Collier asked if they could install a septic system.

Mr. Rhiel replied they could not. If the land has public water they are required to use it.

Councilmember Roberts commented that this is a worthwhile project but we hope you do not require another EDU. The County has none in the area around Leonardtown to give you.

Mayor Norris noted that this project would be complimentary to the area but each EDU we give away limits the Town's ability for potential residents or businesses in Town.

Mr. Rhiel thanked the Council for their attention and will keep staff informed of their progress and potential EDU request.

**Town Service Contract Renewals** - Staff is currently working on the re-bid of both the Waste Disposal and Lawn Maintenance contracts. Both of these are very detailed and extensive contracts.

**Letter to SoMd online** – A letter was prepared for Council's signature thanking them for their gratis work to update the Town's website. We have received many compliments on the look and functionality of the new website.

**Advertising Campaign** – I am working with Dan Burris and Carolyn Laray as a joint effort of the County, the Town and LBA to launch a major ad campaign to promote the Town, the local businesses, such as the North End Gallery's First Friday, music on the square and the restaurants.

**Maryland Economic Development Association** – MEDA will be holding their spring conference at the Daugherty Center on Wednesday, April 11 and have asked to feature the Wharf Project and the Revitalization of Leonardtown and are expecting as many as 100 people at the conference and 45 people have signed up to participate in a tour of the Wharf.

**Japan Visitors** – A group from Japan in association with the agency I participated with for my trip to Japan will be visiting Leonardtown in May. One of the participants wishes to do a mini-internship during his visit.

**Police Report – Deputy Gray Maloy**

Deputy Maloy reported not many incidences happened in the month of February. He is staying diligent about being visible along Route 5 and Moakley Street, which have helped decrease both speeding and accidents.

**Mayor's Report – Mayor Norris**

Mayor Norris stated that Christine Wray and Dr. Cox asked if the Town could take time to meet and greet prospective surgeons who are considering working for the hospital and provide them with information on the Town as a selling point for them to locate to Leonardtown.

**Council Reports:**

**Events – Councilmember Mattingly:**

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

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Tuesday, March 13	9:00 AM	Chamber Tourism Committee meeting @ SM Airport Conference Room
Wednesday, March 14	7:30 AM	Governmental Affairs @ SM Airport Conference Room
Wednesday, March 14	8:30 AM	LBA Meeting @ B. A. Wise Consulting
Friday, March 16	10:00 AM	Ribbon Cutting @ Room with a Brew
Tuesday, March 20	4:00 PM	Budget Workshop @ Town Hall Conference Room
Wednesday, March 21	6:30 PM	SMMA dinner and meeting @ North Beach
Sunday, March 25	10 AM – 5 PM	Maryland Day Activities @ Historic St. Mary's City
Sunday, March 25	5:00 PM	Maryland Day Program @ St. Clement's Island-Potomac River Museum
Monday, March 26	4:00 PM	Budget Workshop @ Town Hall Conference Room
Wednesday, March 28	7:30 AM	Governmental Affairs Committee meeting @ St. Mary's Airport Conference Room
Wednesday, March 28	5:30 PM	Chamber Business After Hours @ Three Notch Theatre

Friday, April 6	3:30 PM	Budget Workshop @ Town Hall Conference Room
Sunday, April 8	7:30 AM	Easter Son Rise Service on the Square by the Leonardtown Church of the Nazarene

**Grounds – Councilmember Combs:** No report

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

**Capital Projects – Councilmember Collier:**

The Wharf project is moving along nicely. The restrooms/snack/concession stand is under construction and under roof. Mr. Grant and I need to do a walk over the McIntosh sewer line, as there is one section that might have some erosion.

**MML/SMMA – Councilmember Roberts:**

SMMA Chapter dinner meeting will be held on Wednesday, March 21 at 6:30 p.m. hosted by the Town of North Beach. I always find the SMMA meetings informative, meeting other Town’s council members and hearing about their Town’s activities.

Mr. Ned Brinsfield came forward from the floor and exclaimed that he would like to say a few words. Mr. Brinsfield stated that he would like to apologize if he has caused any problems in the Town. As soon as I started trying to preserve things in Town there has been a lot of misunderstanding. I have a business I got into that has been here for 67 years and I see a lot of people get a lot of compliments that just come into Town and this location has been here 50 years. Of course it has always been a business there, I purchased that business and of course like older things around, including myself, now it needs a little repairs and that is how this started out. I thought I was fixing it up, making it more accommodating and I also looked at possibly moving out of Town but I’ve been involved in opening a new funeral home and I know what it is like to go through and build that, it is quite a bit, and looking at it over all the years I have operated it and that has been 26 years, I have been in Town and everyone knows what I do and how I operated it, and what is going on. I decided that I was going to try to fix it and of course make that little bit of expansion, which was only what I already had. I already had two chapels or just one, I had a two car garage and I just moved it around and a couple other things, hoping it would be there another 50 years because just the way I have been in business for 40 years. I have been involved all over the state and funeral homes all along have been where they are, been in homes in Town. But for some reason, I turned around and tried to do it one way but I found out maybe I took the wrong way. I did not want to come to anyone on any of the Boards because I knew everyone. I wanted to go through the system the way it is supposed to be and I thought I was. My builder came up and got the permit, I am not going to say I didn’t have a few questions. A lot of you came by and complimented or I thought you did for a while, and then all of a sudden no one is speaking to me. Does anyone see what I was trying to do or was it just Planning and Zoning? I have never had the chance to speak before, I have only answered questions. Mr. Brinsfield brought forward some photos to show the Council. I have never had anyone from Planning and Zoning come by and ask me a question or see what I am doing. I did ask Ms. Miller to come by. It was basically moving things around and giving a little space to make things a little better and the main thing we started out moving was putting in handicapped bathrooms and because of the Town Council Meeting, March 12, 2007

bearing walls, it is an old house, there is only so much they can do. I tried to square it up instead of having the one side bounce out about three times and you do that then the roof is the same thing. I tried a couple different styles of roof but I still wanted to keep the home atmosphere there and parking and I looked into it and according to Maryland law, I still think I have the right to that. As it has gone to the Appeals Board I have been looking for a notice. The month before we had the notice out and the meeting was the next day and I haven't seen a notice in the paper so that is another 25 days. My families have been very sympathetic for me and helped me out and a lot of people have supported me and I said I got into this I will get myself out of it if I can. I thought I was adding an asset to the town, building a whole house and try to fix up and keep it there and still be able to stay on and work but now I understand there are other things that they want to change the whole thing. If they want to change the whole neighborhood that has been talked about for years why am I caught into that? I am already sitting there.

Mayor Norris stated that we are in the middle of a process that you requested, to seek a variance.

Mr. Brinsfield commented that it was the Town attorney that said that was the way we should go.

Mayor Norris remarked that this is the process and I wish we could have gotten the Appeals Board together quicker but we only have four members of the Appeals Board right now. One of the members is in Florida and does not return until mid-April, another member has requested to abstain and that leaves us with three voting members but that will not happen until Dr. Winnik returns from Florida.

Mr. Brinsfield responded that he has not talked to anyone; no one has gotten a phone call from me or anything. I tried to be straightforward and I knew there was a mess up in there but it is not my fault the way I see it.

Mayor Norris remarked that this is a zoning issue and the facts are that the Planning and Zoning Board put a stop work order on until this got resolved and then through the Planning and Zoning Board you got the recommendation to proceed with a variance which now goes to the Appeals Board.

Mr. Brinsfield asked if there would be anything after that? Normally it goes to them and it seems like somebody comes along and stirs the pot all the time and you know who I am talking about.

Ms. Miller stated that this process is spelled out in the Charter and it is with the Appeals Board,

Mayor Norris commented that our attorney may have advised us different ways based on our Charter how you may go about it, but I assume it is your attorney.

Mr. Brinsfield stated that we were going along with the Town's.

Ms. Miller remarked that as part of their case when they went to the Planning and Zoning Board they felt they did not need a variance but that is the direction that our attorney felt it should go and that was part of the decision the Planning Board needed to make.

Mayor Norris stated that as soon as I know when we have the members to meet I would have a meeting arranged and give you a call as to the meeting date.



**Adjournment:**

**Councilmember Mattingly moved to adjourn the meeting. Councilmember Wise seconded the motion, which passed unanimously. The meeting adjourned at 5:25 p. m.**

Respectfully Submitted:

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Teri Dimsey, Recording Secretary

**Approved:**

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J. Harry Norris, III, Mayor

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Walter Wise, Vice President

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Thomas R. Collier, Councilmember

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Robert C. Combs, Councilmember

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J. Maguire Mattingly, III, Councilmember

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Leslie E. Roberts, Councilmember