

Commissioners of Leonardtown
Town Council Meeting Minutes
August 13, 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; Rebecca Sothoron, Town Treasurer; DeAnn Adler, Plans Reviewer; Jackie Post, Fiscal Clerk; Teri Dimsey, Recording Secretary; Tub Delahay, Resident; Mike Mummaugh, Paragon Properties; Dan Burris, LBA; Jim Raley; Lions Club; Kennedy Abell, Lions Club; John Evans, Resident; Linda Chakales, Resident; Mr. Scanlon, Resident; Dorian Lassiter, Resident; John Wharton, Enterprise; Jimmy, Anne, Kacie and Jamie Rader, Residents; Jim Hogan, Resident. 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 July 9, 2007 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve the July 9, 2007 Town Council meeting minutes; Councilmember Collier moved to approve the minutes; seconded by Councilmember Wise; motion passed unanimously.

Mayor Norris announced that Stu Cumbo, President, MML and Scott Hancock, Executive Director, MML are here today to present the Banner City Award to the Town of Leonardtown.

Mr. Cumbo stepped forward, introduced himself and thanked the Council for receiving them today and for the great representation at the recent MML Convention. He noted that Councilmember Roberts serves as District Vice President and Ms. Miller, who he appointed, serves at Vice Chair on the Communications Committee. On behalf of the entire Board of Directors of the MML I am pleased to honor the hard working commitment of the Town of Leonardtown by presenting them MML's highest member recognition which is the Banner City

Town Award. MML created this program to give formal recognition to those cities and towns that demonstrated outstanding commitment to MML activities. The program requirements include a commitment to continuing education and municipal government operations, quality of life in the community and efforts to educate citizens, particularly students about municipal government. Only 14 of Maryland's 157 municipal governments qualified for this prestigious award this year. I am very pleased to present the 2007 Banner City Award to the Town of Leonardtown. Mr. Hancock presented the Banner to the Council.

Mayor Norris thanked President Cumbo and Mr. Hancock and photos were taken of the presentation.

Mayor Norris invited Mr. Tub Delahay, former Councilmember who was instrumental in organizing the first Soap Box Derby in 1998, to come forward to introduce the Soapbox Derby World Champion and National Champion, Kacie Rader.

Mr. Delahay remarked that in 1998 the Commissioners introduced the Soapbox Derby in the Town of Leonardtown. Each of the winners from each Division gets to go to the Nationals in Akron, Ohio to compete in the World Championships. In 1998, Jaime Rader, Kacie's sister and my grandson Eric went on to attend the All American Soapbox Derby.

Today we have Kacie Rader who has gone on to win the World Championship in the All American Soapbox Derby in the Master Division and while in Muncy, Indiana she won the National Rally Championship. She is a double winner this year and it is also the third time Ms. Rader has won the National Championship. Mr. Delahay stated that Ms. Rader's parents have given much time and money toward their children's participation in soapbox derby racing and should be also be commended.

Mr. Delahay asked Ms. Rader to come forward to be recognized for her achievements and to accept a \$100 saving bond and a Town of Leonardtown flag from the Commissioners.

Mayor Norris noted that Ms. Rader was also recognized by Congressman Hoyer.

Ms. Rader thanked the Council members and photos were taken of the presentation to Ms. Rader and her family who were asked to join them up front for a photograph.

Mayor Norris invited Mr. Kennedy Abell to come forward on behalf of the Leonardtown Lions Club.

Mr. Abell stated that he, along with Mr. Raley and Mr. Russell are here to announce that the Leonardtown Lions Club is starting a new membership drive and are seeking new members, both men and women to join the Lions Club. Mr. Abell remarked that the Leonardtown Lions Club was established in 1940 and serves the community in many ways. Mr. Abell passed out some items of interest to the council members and encouraged everyone in attendance to get involved as a member for personal enrichment and to give back to the community.

Mayor Norris remarked that the Lions Club helped instigate the creation of the War Memorial. Mr. Russell runs the Christmas Gift Drive and he uses the Town Hall to sort the gifts for delivery. Mayor Norris and the Council members thanked Mr. Abel, Mr. Russell and Mr. Raley for their presentation and wished him and the Lions Club success with their membership drive.

Mayor Norris commented that we have some folks in the audience here today from the Singletree development and they were welcome to introduce themselves and ask Council any questions if they so desired.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron remarked that the July financial information is not yet complete as there have been other higher priorities but, a copy will be distributed in their mailboxes shortly. During the month, \$60,000 was transferred from the checking account to the Maryland Government Investment Pool. It has been over a year since I have been able to do that which is mainly due to the large amount of construction we have going on.

Ms. Sothoron reported that the trash transition from Waste Management to Goode Trash Removal took place the last week of July which went better than we expected. Mr. Goode was on the job himself everyday to ensure a smooth operation and to resolve any issues that Ms. Post brought to his attention. We now have single-stream recycling for our residents and our goal is to add single-stream recycling for commercial.

Councilmember Combs inquired how someone would obtain a recycling cart.

Ms. Sothoron responded that every household should have received a small green recycling cart and if not please inform Ms. Post.

Ms. Sothoron stated that a worksheet has been prepared to show the calculations made to reflect the new trash rates to cover all the costs.

There had been some confusion about Goode Trash Removal being the low bidder but still being forced to raise the rates. Through the months long re-bid process we came to the conclusion that after three bidders, we would still have to raise rates. The Waste Management price they bid was 35% higher than the previous price we were paying. That was a significant increase. Comparing the Goode residential unit price to the Waste Management price there was a 14% increase. In the letter that went out we tried to explain why the rate went up but it seemed to create some confusion and we did receive quite a few calls on this subject. Also, the Town has been subsidizing the fuel surcharge that Waste Management has been passing along on our invoice which the Town has absorbed and has not been passing along to the residents which is approximately \$46,000 for fiscal year 2007.

The current contract is not set up that way, there is no fuel surcharge but when you are comparing apples to apples, the per unit price actually has only gone up 6% from the Waste Management contract.

Councilmember Roberts noted that if you added what we were paying for fuel we were absorbing that cost.

Ms. Sothoron remarked that the change to the customer includes the fuel surcharge. What I recommend is that the residential trash rate be changed to \$60.33 per quarter. The most recent information we were provided by Waste Management, their service outside of town costs \$33.00 per month. Our service is a significant savings over what a customer outside of town pays for trash pickup. Those rates are also subject to an unset fuel surcharge and could change every month. The commercial food service recommended rate would be \$5.19 per yard; the non-food service would be \$4.39 per yard and the cardboard recycling would be \$1.84 per yard. Those are rates that I would ask for approval; we can incorporate them in the September billing.

Mayor Norris entertained a motion to approve the recommended trash removal rates.

Councilmember Roberts moved to approve the recommended trash removal rates for both residential and commercial as suggested by staff; Councilmember Collier seconded. Mayor Norris asked if there was any discussion:

Discussion

A resident in the audience asked if the costs of all the new containers was absorbed in the costs to the customers or was that a separate issue.

Mayor Norris replied that the cost of all the equipment is part of the bid. Council and staff insist that we are certain on what we pay, if not, then we absorb those fees with tax dollars. The reason that is so important is that we have quite a few non-taxable institutions in town that do not pay taxes, such as the hospital and governmental center.

Another resident commented that the letter they received was a bit confusing as the fuel surcharge information was not included and is the \$46,000 mentioned to pay for the fuel surcharge paid by the Town, or is that paid by our tax dollars?

Mayor Norris responded that is correct and the businesses also pay a large portion.

A resident inquired if there was a document that shows where our tax money goes.

Mayor Norris stated yes, every year we have public budgetary hearings and adopt the budget.

A resident asked if the Goode Trash Removal service is a newly formed company.

Mayor Norris replied that they are not a new company. During the bid process, Ms. Sothoron researched several trash removal companies and also checked the references provided by Goode Trash Removal. Good Trash Removal has been in business for approximately twenty years, they service many large accounts such as Anne Arundel County, and Patuxent Naval Base.

A resident, commented that she does not get any printed materials, suggested that next time it would have been helpful to have known when this publication came out what the bottom line

costs for us would be, looking at budgeting and everything going up. If you are going to send a publication try to have everything settled before you let us know.

Mayor Norris stated that we are now taping our meetings to be broadcast on Channel 10 so that more residents are able to have access to the meetings and become more knowledgeable about what is going on in Town. We rely on Mr. Wharton, who is present today, with the Enterprise to get the news out. The Beacon newsletter is sent out quarterly to keep our residents as informed as possible and we hope our residents will become more involved and arrange to attend some Town meetings.

Another resident spoke up to say that they did not receive enough notification and asked if the difference was only 6%.

Ms. Sothoron replied no, there was actually a 14% difference between the Waste Management bid price and the Goode Trash bid price. The 6% difference reflects the fuel surcharge deduction and gives us a net 6%.

Mayor Norris remarked that if you add the fuel surcharge into what we were billing the increase is 6%, but previously we were not charging enough for the trash removal. If we raised taxes this would only affect those residents who pay taxes and not the non-taxable institutions in Town. We do not receive any revenue from them, except the utilities they use.

A resident inquired about the water charge and as a family of one, she gets charged the same as for a large family.

Mayor Norris replied that this is a different issue but explained that our rates are as accurate as possible otherwise your tax dollars would make up the difference. If you look around the Town, generally, we have smaller families. It would be a more equitable solution to put meters in and, in fact, the State has a timeline for us to meet and require us to put in meters. Meters would regulate the usage and it would make sure you only pay for what you are using. Our concern is the cost of putting in meters, the cost of manpower to read the meters and the billing process costs. The larger family will pay more but a smaller family may not save any money after all the required costs are factored in.

The resident replied that it would be more fair; a smaller family should not have to pay the same as the larger family, it is the right thing to do.

Mayor Norris agreed but the perception of a smaller family paying less will not happen, the costs of purchasing the meters, the manpower, etc. means the water rate will increase, this will be a very expensive undertaking for the Town. Many of the single water lines in older parts of Town will involve additional construction costs to be brought up-to-date.

The resident asked if those people who can not afford to pay, then our taxes will pay to put in their water meter.

Mayor Norris responded that it will be a cost that will be spread across the entire community.

The resident then asked what will be the difference of the price of the new trash bill.

Ms. Sothoron replied that the old rate was \$17.74 per month and it will now be \$20.11 per month.

Mayor Norris announced that he would meet with anyone who has any questions or concerns or just generally wants to discuss any issues.

Mayor Norris returned to the motion on the floor, asked if there was any further discussion, there being no further discussion, he asked for a vote, motion passed unanimously.

Ms. Sothoron reported on the tax billing process. We have transferred over to the new software and print the bills tomorrow to mail by the end of the week.

Police Report – Deputy Gray Maloy

Mayor Norris thanked Deputy Maloy for all his good service these last two years and announced that this is Deputy Maloy's last Town Council meeting. He will continue to work in Leonardtown but will be training for the DARE program.

Deputy Maloy reported that for July calls for service have been average. He assisted with the Fourth of July event for the County. Last week was National Night Out and there was a good turnout. He worked the Beach Party event which went smoothly.

Planner's Report – DeAnn Adler

Planning and Zoning Meeting – Monday, July 16, 2007

- **Case # 64-04 Leonard's Grant** – The applicant was granted plat approval for Phase 1 which includes 76 single family lots and the town green.
- **Case # 70-06 Community Bank of Tri-County** – The applicant received approval for a plat adjustment to consolidate 2 parcels into one for a new bank building.
- **Case # 113-06 Tom McKee Property** – There was a public hearing held regarding rezoning and a PIRD application for his site, parcels 316 and 500. There were some comments and concerns expressed by some of the surrounding neighbors, Mr. Paul Daugherty gave a presentation and the Board voted to table the decision.

Upcoming Planning and Zoning Meeting – August 20, 2007

- **Case # 113-06 Tom McKee's Property** again – We will be holding a public hearing again for this site. There have been some changes to Mr. McKee's application; he is now asking to re-zone only Parcel 316. For Parcel 500 he is asking just for the PIRD overlay classification.
- **Case # 91-03 Foxwell Apartments** – Mr. Davis is asking for Condo Plat Approval.
- **Case # 58-07 Hooper/Mummaugh PIRD Classification** – Applicant has a parcel of land that they are requesting a PIRD Classification for, it has an existing building on it in need of renovation, he would like to demolish the old building and garage and construct 5

single family dwellings in its place. A public hearing is scheduled and will go forward if the Council sends it to the Planning and Zoning Commission today.

Town Administrator's Report – Laschelle Miller

Case #58-07- 22840 Lawrence Ave - Request for PIRD designation

Applicant: Mr. Mike Mummaugh and Jim & Rosalie Hooper

Location: 22840 Lawrence Ave., Leonardtown

Zoning: R-MF

Enclosed in your packets you will find:

- Concept Site Plan
- PIRD designation letter of request
- Existing photos

Mr. Mummaugh and Mr. and Mrs. Hooper have a parcel of land fronting on Lawrence Ave. that has an existing building with 3 apartments on it that are in need of renovation.

They would like to demolish the existing building and garage and construct 5, single family dwellings on this parcel of land. (Please see site plan included in your packet.)

They intend to reproduce a similar architectural style to what is currently on the site. They intend to sell the units individually once construction is done. The plan allows adequate parking for the proposed units. They are requesting a PIRD Designation for the site.

Action Needed: The Town Council will refer the request to the Planning and Zoning Commission for a public hearing and then they will send a recommendation back to Town Council. A second public hearing will then be held before the Town Council for a decision.

Mr. Mummaugh stated that we have a three unit apartment building that is old and in need of repair. We would like to request two additional EDUs to make the project work financially. Mr. Mummaugh provided a brief description of the project with visual displays of the existing building and a concept drawing.

Councilmembers addressed setback, parking, and façade issues. They inquired if the units were for rental or for sale. A big concern was the amount of green areas versus asphalt and meeting the PIRD requirements. Councilmembers expressed concern regarding too many apartment units on that site and possibly building less single family homes to allow for more green space instead of having so much asphalt.

Mayor Norris stated that this presentation and discussion is to decide if it meets the PIRD requirements to send it through the public hearing process. Council does not determine the PIRD designation until it goes through two public hearings and then back to the Town Council to make the PIRD designation decision.

Councilmembers inquired if the neighbors had been notified.

Ms. Miller responded that everyone within 300 feet surrounding the property received a letter, it has been advertised in the paper and the property has been posted with the date of the public hearing.

Councilmember Collier commented that the notice of public hearing seemed premature as we have not forwarded a recommendation, shouldn't the cycle be that Council forwards it first and then advertises.

Ms. Miller indicated that a public hearing can be cancelled but this accelerates the process, which can take over 60 days and advertising in the paper requires advance notice.

Councilmember Collier stated that part of the process is to come before the Council first to determine if it will move forward but this sets up the stage assuming we will forward it.

Councilmember Roberts noted that when we forward it, it is letting them hold the public hearing and having the Planning and Zoning Commission look at it in terms of the PIRD designation. We do not approve, we only forward it for consideration. It will come back before the Council for another Public Hearing.

Councilmember Mattingly agreed that we should allow the public their comments and then it comes back before the Council and we can address our concerns.

Councilmember Combs stated that he agrees with Councilmember Collier, that staff assumes we are going to forward a recommendation. It should come to us first, we send it on then it goes through the next process, giving us more time to study the project.

Councilmember Roberts moved to forward Case #58-07 onto Planning and Zoning Commission for review; Councilmember Mattingly seconded. Councilmembers Roberts and Mattingly voted in favor, Councilmembers Collier, Combs and Wise were not in favor, motion denied.

Beacon Printing Contract Renewal- Heritage Printing was awarded a one year contract with two one-year extensions in October 2006 to be revisited before September each year. Heritage has agreed to hold the price of \$1,919 per issue for the next year. Staff recommends awarding the contract to Heritage for another year.

Councilmember Mattingly moved to award a one year contract extension to Heritage Printing, Councilmember Collier seconded, no further discussion, motion passed unanimously.

Introduction of Ordinance No. 131- Leonard's Grant Approval of Development Agreements- Quality Built Homes has agreed to the proposed agreements as presented to you at the workshop on June 14th. Minor revisions have been made but the any financial agreement remained the same. This is the introduction of the ordinance. No action is needed until the September meeting.

The Ordinance reads:

For the purpose of approving and authorizing the Mayor to sign on behalf of the Town, certain agreements related to the development of the Project known as Leonard's Grant in all matters generally relating to the approval of agreements related to the development of Leonard's Grant project in the Town of Leonardtown. Be it ordained by the Council and the Town of Leonardtown that the Sewer Impact Fee Agreement a certain SWM Inspection and Maintenance Agreement and a Public Works Agreement be entered into by and between the Commissioners of Leonardtown and Quality Built Homes except for which is attached and incorporated into this Ordinance be it and hereby approved and the Mayor is hereby authorized to execute all agreements on behalf of the Town.

Grant Update- The Town received the \$14,000 MD Heritage Area grant for the Wharf. They did not fund the \$35,000 bridge grant for the Port of Leonardtown. This month I submitted a \$200,000 Parks and Playground grant for the Port of Leonardtown and a \$200,000 grant for work on the second phase of the Wharf (piers and slips) through the Waterway Improvement Fund. The recent letter from Roy Dyson announcing the \$200,000 for Program Open Space funding for the Wharf was just the final step in the process to get the funding for the Parks and Playground grant that we had been notified of previously, it is not additional funding.

Rt. 245 Rezoning Committee

The committee members met last week for the first meeting and outlined what areas they would be studying and will use samples from other rezoning categories across the state. They will meet again in a couple of weeks. It was a good discussion.

Councilmember Combs asked who was sitting on this committee.

Ms. Miller responded that Councilmember Roberts, Mr. Fearn, Dr. Icenhower, Norman Norris, Mr. Paone, Ms. Adler, Mayor Norris and I. CSM will also have representation at the next meeting.

Mayor Norris stated the first thing they looked at was how big an area they wanted to study and it was decided to go all the way out to Greenbrier Road and we will ask some of those residents if they are interested in participating.

Manhole Rehabilitation on Town Run

Mr. Grant oversaw the completion of the three manhole rehabilitations, we have photos for viewing, and the project went very well.

Mayors Report

Mayor Norris commented that the Relax Inn has been demolished and will be rebuilt as a three-story hotel and will blend in well with the downtown.

The Veterans Day Parade will be on November 11 and will be held at 11:00 a.m. which is a Sunday and does cause some issues with the Churches in Town. We are working closely with them for this event.

I met with Mr. Miedinski; the new President of the Leonardtown Fire Department and an item that came up for discussion was the Velo bike races. This event has become too large and interferes with the Fire Department's ability to get the trucks out. I recommend that we thank them for all the ten years they have been here but the Town has grown and it is now not practical to hold this event. If Council is in consensus to cease the Velo bike race we will have a letter sent to them.

All Council members were in consensus to send a thank you letter to include ceasing the yearly Velo bike race event.

Council Reports:

Events – Councilmember Mattingly:

Councilmember Mattingly thanked the staff, along with Dan Burris and Roger Mattingly for the very successful Beach Party event.

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Tuesday, August 14	9:00 AM	Chamber Tourism Meeting @ SMC Airport Conference Room
Saturday, August 18	10:00 AM	Grand Opening of Sea Scapes @ Leonardtown Landing
Tuesday, August 21	9:00 AM	Board of Library Trustees Meeting @ Leonardtown Library
Wednesday, August 22	5:30 PM	Business After Hours @ Edward Jones Investment, Leonardtown
Saturday, August 25	4-8 PM	Downtown Tunes featuring "Gretchen Richie Jazz Cabaret"
September 1-2	9 AM–11 PM	Park Rock Fest 2007 @Chancellor's Run
Saturday, Sept. 8	10 AM-3 PM	Fall Follies on the Town Square By the St. Mary's Crafts Guild
Saturday, Sept. 15	6:00 PM	Leukemia & Lymphoma Society's Light the Night @ St. Mary's Governmental Center

Wednesday, September 12 8:30 AM LBA Meeting
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September 20-23 3 PM – 9 PM, Thurs. St. Mary's County Fair
 9 AM – 9 PM, Fri, Sat.
 9 AM – 6 PM, Sun.

Grounds – Councilmember Combs:

Councilmember Combs reported that they met with Sam Crozier, the architect for the Port of Leonardtown project and we are waiting on changes they discussed and new drawings and should have them soon to review.

Streets and Roads – Councilmember Wise:

Councilmember Wise reported that he has scheduled some patch work to be started shortly.

Capital Projects – Councilmember Collier:

Councilmember Collier reported that they are painting the Concession Stand building and installing the new pump. Things are progressing very well at the wharf.

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that the next SMMA meeting is Wednesday, September 19 in Indian Head. She remarked that the presentation of the Banner City Award did not mention all of the activities we took part in to achieve this award, such as the If I Were Mayor Essay Contest, Committee membership as Ms. Miller did, attending the SMMA meeting as I did. There was a whole list of requirements to meet to win the award and we were one of the 14 towns out of 157 that met those requirements.

A resident asked if she could speak about the traffic along Rt. 5. She stated that it is our understanding that the State of Maryland has control of Rt. 5. We know we have a very unsafe entrances and exits along Hollywood Rd. and Rt. 5. My question is what can we as residents do to voice our concerns to the State. Is there a committee that works with the State?

Ms. Miller replied that SHA has a task force that has looked and continues to look at the situation and potential widening. They will be holding public hearings on these issues and we will be notified. They do have a specific person who is running that task force and if you provide me with a letter, I can forward it to them to add to the pile of other information that they have received.

The resident responded that as Leonardtown has grown and is growing, it is getting worse. Speed limits are ignored and some residents along Moakley St. have gone to the Board of Education and other businesses along Moakley St. to remind them that the traffic along there is both a business and residential area and they should make their employees and visitors aware of abiding to the posted speed limits and this has helped.

Mayor Norris remarked that we will send a letter making them aware of the speeding problems and we will also inform our Deputy to patrol those problems area.

The resident stated that they want to help to reinforce what you and the Police do to let the State know how serious this traffic problem has become. She also wanted to thank Ms. Miller particularly. It is easy to complain about things but every time I have ever spoken with Ms. Miller over any concern, she has been so responsive and very positive and acted in any way she could to assist us. We really do appreciate her assistance.

Ms. Miller noted that in the last Beacon, there is information SHA contact information.

Adjournment:

Councilmember Mattingly moved to adjourn the meeting. Councilmember Collier seconded the motion, which passed unanimously. The meeting adjourned at 5:55 p. m.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Walter Wise, Vice President

Thomas R. Collier, Councilmember

Robert C. Combs, Councilmember

J. Maguire Mattingly, III, Councilmember

Leslie E. Roberts, Councilmember