

Commissioners of Leonardtown
Town Council Meeting Minutes
October 8, 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. 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 September 10, 2007 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve the September 10, 2007 Town Council meeting minutes; Councilmember Mattingly moved to approve the minutes; seconded by Councilmember Roberts; motion passed unanimously.

Police Report – Deputy Gray Maloy

Deputy Maloy reported that the County fair was last month and went very smoothly. There was a robbery in Leonardtown but it was more of a theft when a bank bag was snatched from a lady's hand in front of the bank. The case was closed by the end of the evening on the same day. Two juveniles were arrested and charged.

Councilmember Combs commented he was glad to see Deputy Maloy was teaching the DARE classes during the day to the middle schools. It is a good program.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that the financial information, as of August 31, was provided in their packets. During the month, \$200,000 was transferred to the checking account for expenses. During my review of the income statement there are a few items that look like they are over budget but they only require some journal entries to allocate to different departments. Payroll expenses also look like they are over budget but that is because we had three payrolls in August.

In September we also had the transition from Mercantile to PNC Bank that did not go as smoothly as we had hoped. It has required a moderate amount of staff time that we did not budget for which is why we have not been able to catch up on the financial work. We hope to be able to do that shortly but we are still busy doing audit work. The field work for the audit began last Monday and was a change from what I previously reported. To allow me time to get all the paperwork together, they postponed for two weeks. The auditors spent four days here last week and will come back a day next week. My reports are due by the end of the month. We hope to schedule their presentation to you at the November Town Council meeting.

Planner's Report – DeAnn Adler

Planning and Zoning Meeting – Monday, September 17, 2007

- **Case # 122-05: Leonardtown Landing Plan Approval – Phase II:** A request was made by the applicant, Mr. Ron Russo for final site plan approval. After much discussion regarding concerns over parking shortages, height of the commercial buildings and traffic flow, a decision was tabled until a later date.
- **Case # 64-04 Leonard's Grant Right-of-Way Plat – Leonard's Drive and Various Easements:** The applicant, Quality Built Homes, was granted approval of the record plats.

Upcoming Planning and Zoning Meeting – October 15, 2007

- **Case: # 71-07 Parcel 254 Rezoning:** The applicant, Mr. Mike Mummaugh, has requested a public hearing for the purpose of considering a rezoning of Parcel 254 which is located between Rt. 5 and Fenwick Street, across from Academy Hills. He would like to have this property rezoned from PUD to Residential Multi-Family.
- **Case # 38-07 Marketplace Fine Wine and Liquors:** The applicant, Mr. Dan Guenther is requesting a special exception be granted for the placement of (2) 3' x 20' sign banners to be hung in the parking lot of Breton Marketplace. A Board of Appeals hearing is to be held on October 23, 2007.

Town Administrator's Report – Laschelle Miller

Aero Energy Presentation- This company provides community piped propane systems to allow residents access to propane without individual propane tanks. The company is pursuing putting a system in the Leonard's Grant development. They build the system using piping that meets the natural gas requirements so that if natural gas comes into the area in the future the piping could then be converted. They are regulated by the Public Service Commission like other utilities.

They would propose the pipes be laid in the utility easements of the roads. This is an informational presentation to allow for comment from the Town Council if there are concerns that they need addressed. Mr. David Clark and Mr. Gerry Mattingly are here today to introduce their company.

Mr. Clark introduced himself and Mr. Mattingly and remarked that they are in the very preliminary stages, working with Quality Built Homes, to set up a community wide propane system. Quality Built Homes desire is to put gas heat, hot water and other gas utilization equipment in their new homes as an upgrade to the homeowners. As this is a 325 home development, we are trying to avoid 325 individual propane tanks. Our systems look the same as the natural gas system. Mr. Clark handed out some photos of a facility in operation and conceptual drawings of what the system will look like to the Council. Once in place, this system will be shielded with landscape to blend into the development.

Councilmember Combs inquired if they have other facilities already in place, what about the environmental impact and who does the inspections?

Mr. Clark responded yes, they have facilities already in place, one of which is in the Town of La Plata, another in Charles County and the facility in Delaware is the only facility we have had to meet stricter environmental guidelines. As the homes are metered, the inspections are generally done through the local fire department and the meter out into the street out to the tank farm is handled by the Maryland Public Service Commission.

The Council members asked them several questions and then thanked Mr. Clark and Mr. Mattingly for coming and bringing this technology to their attention and hope to hear more about their process as the Leonard's Grant development moves forward. The Council directed Ms. Miller to get additional information from La Plata on their experience.

St. Mary's Hospital Request for Temporary Trailer Permit Extension- A 3 year temporary trailer permit was issued to St. Mary's Hospital to house the MRI equipment at the August 11, 2003 Town Council meeting. The permit has expired. The hospital will have the new MRI operational in a couple of months but are so backed up they would like to operate both for a period of time. This would also give them a back up if there is a problem with the new equipment. They are requesting a one year renewal.

Mayor Norris asked how long do they expect to use this trailer.

Ms. Miller responded that if they get the other one operational on schedule it could be shorter than one year but they requested a year to give them time in the event of an overlap.

Councilmember Mattingly commented that it will be operational in two months yet they want a whole year and maybe they do not need a whole year just six months.

Councilmember Roberts moved to approve the extension of the temporary trailer permit for six months; Member Wise seconded, no further discussion, motion passed unanimously.

T&T Sweeping Contract Renewal- In August 2003 T&T Sweeping was awarded a 3 year contract with 2 1-year options. This year would be the final option year and would run through 8/30/08. T&T has agreed to hold their prices to last year's rate.

Councilmember Combs remarked that when we renewed their contract last year we asked them to drive slower while sweeping and to use more water. Is their equipment equipped to use water?

Ms. Miller responded that we had a concern about where the debris was being dumped and to slow down a little bit. I am not sure if they use water during sweeping.

Dr. Winnik interjected from the floor that they come down Washington Street fairly fast and do not seem to be doing a good job.

Councilmember Collier inquired what would it take to bid and go through the process.

Ms. Miller remarked that T&T Sweeping has been the only bidder over the past few years. It would take about two to three months to go through the bid process.

Mayor Norris suggested we meet with T&T Sweeping to pass along our concerns before we extend the contract.

Ms. Miller replied that she will set up a meeting.

Delahay Construction- In 2003 Delahay was awarded the maintenance and repair contract for a 2 year term with 3 1-year options. This would be the final option year. The contract runs from 7/1/07 thru 7/1/08. They are requesting slight price increases to cover rising fuel and other related costs. I have attached a copy of the new prices requested with the old price handwritten beside the new price.

Councilmember Wise indicated that the prices are very reasonable.

Councilmember Roberts asked how many increases has there been over the five year contract period?

Ms. Miller responded there have been small increases due to rising fuel prices about every other year.

Councilmember Wise moved to approve the extension of the Maintenance Contract to Delahay Construction with the price increases; Councilmember Collier seconded, no further discussion, motion passed unanimously.

Leonardtwn Wharf update -- We are scheduled to be complete with the park in another month but will not be opening until spring of 2008. We plan to have a ribbon cutting and are working with the Governor's office to schedule a date. I will bring the financial information back next month after the audit is completed. We recently received the \$200,000 Parks and Town Council Minutes – October 8, 2007

Playground grant, the \$14,000 Southern Maryland Heritage Grant and in the summer we received another Waterway Improvement grant. We had no contingency built into the project so we are at less than 1% on change orders when looking at the actual bid price compared to actual construction cost. We have worked extremely hard to keep the project on budget.

Leonardtown Landing Phase II- It was on last month's Planning and Zoning Commission meeting agenda, they tabled it and they will be coming back in November. If there are significant changes, it will come back to the Town Council. We will be looking at some alternatives for parking for the Wharf area. Today we received a petition regarding the parking issues.

Mayor Norris remarked that this has been discussed at different times and it is this Council's hope that we go back and review Phase II, including the traffic flow and parking and recognize that Phase I has some major issues we do not want to duplicate. As far as the parking, it is certainly not our intention to provide any parking on Washington Street for commercial businesses which may not happen for a few years. Right now, we are looking at providing adequate parking for the public park when it opens up next spring and potentially beginning a parking enforcement program.

From the audience, Dr. Winnik stated that when he went around to the various residents in the area they were very strong in supporting the petition, especially the folks in Leonardtown Landing. They are not opposed to development but they are opposed to extremely tall buildings. The residents along Washington Street ask that they receive a sticker or something for guest or visitor parking. They would also like to see some type of ordinance that would deny commercial or users of commercial shops to park along Washington Street.

Ms. Miller reported that we need to start thinking about the dockage at the Wharf. I have applied for a grant to help with some of the costs. Mark has done a lot of research trying to do as much of the design work without hiring an engineer to do it and has proposed some different systems. I am proposing possibly where the kayak launch is shown, maybe extending a pier, having a floating dock, there are a lot of different options. We would need DNR's input and their requirements. This would be primarily slips for transient docking only, no water or sewer would be provided.

After some discussion the Council agreed to a consensus to move ahead and see what grants monies are available.

Port of Leonardtown Concept Plan- Crozier Associates has completed the Port of Leonardtown public park concept plan. Councilmember Combs will provide an update on the project.

Councilmember Combs presented the concept plan drawings by Crozier Associates to the Council and gave an overview of the proposed project.

Ms. Miller noted that there will be some mitigation plants going in some of the opens areas.

Councilmember Combs discussed the plans for the open areas, possibly placing the fire department's old carousel there, pavilions, maybe even barbeque grills.

Councilmember Collier asked how we will be funding this project.

Ms. Miller stated that she has submitted a grant for \$200,000. We put out an RFP to determine the cost of each phase and then prioritize the most important portions of the project. We are not sure how much this project will cost. The grant applications were due for the Parks and Playground money and it is a matching grant so we will have to take a look at that. This was just finalized so we will take a look at this and come back to the Town Council again.

Mayor Norris commented that there have been a number of meetings with the Grape Growers Association along with St. Mary's County representatives and the Town and things are progressing smoothly. The County Commissioners are being very supportive.

Ms. Miller noted that she and Donna Sasscer met with Kevin Atticks from the Maryland Winery Association and Mr. Atticks suggested that some other groups have done a Foundation and the Foundation would oversee the financial aspects and would handle the day-to-day functions of the winery. The Foundation would include a member from the Town, one from the County, one from the Grape Growers, a private citizen and a Winery Association representative. The Winery Association would like to fund some of this as well and that Foundation would oversee the Grant and County funds and any private investor funds. We would not meet on a regular basis, as far as the day-to-day operations. The Foundation is one idea but we will see if the Maryland Department of Business and Economic Development have any other ideas as they have done these types of agreements before.

The Grape Growers want to start construction in late spring so they can plan to open for the fall season when they harvest next year. There are a couple issues on the deed as far as the Town is concerned. It was purchased with Program Open Space money so we had to get appraisals on the buildings and the County owns the lower portion of the site and the Town owns everything else. We are doing a swap with the section that the building is on that was purchased with Program Open Space and we will put the restrictions on the County piece so that we can operate the Winery without those restrictions. We have that underway and the other restriction on the deed that said it has to be used for a public park, we have a letter from the State saying that they interpret the Winery as a public park. The last thing is the reverter clause stating that if they wanted to take back the property to expand Route 5 in the future they could do that but we have a letter from them stating that their intention is for a public park and we are working on resolving this with the County and everyone feels this is not an issue that cannot be resolved.

Bupp/Deaderick Request — Miller remarked that we have a sewer issue to discuss. Over the last few months we have been working with a property owner on Point Lookout Road across from the BurchMart to determine the cause of numerous sewer backups in the basement of their rental home. Back in 1999 the sewer line was videoed and there was a dip in the line under Route 5 which would be the Town's responsibility and at that time, two clean-outs were installed on the property and for a long time there were no more problems. Recently, a larger family has moved in, they are using a lot more water and they started having a backup problem again. Our Town Council Minutes – October 8, 2007

facilities team has been cleaning out the line on a weekly basis and after some investigating it looked like it was strictly on their property. We suggested they have it televised, which they did, and Mr. Johnson, WWTP Supervisor was present during the taping. The tape shows there are two problems, the dip in the line on the Town side is still there but there is also now a dip between the two clean outs on the private property. After considering other options, the only solution that we have come up with is to install a grinder pump. Right now the dip on the private property is what is creating the problem; our problem is the flow is not getting to the clean-out. In three other cases we have shared the cost with putting in a grinder pump with private residents, Ellen Wood in 2002, Walter Dorsey in 2005 and Ellen Mattingly in 2007 and in these cases the residents felt that there was a prior agreement for their connecting to the sewer. In all three of those cases, the resident purchases the grinder pump and pays the electrician to do the wiring and then the Town does the installation. I have cost estimates here if that is the direction Council wants to go. That would make the resident portion about \$4,410 plus the electrician and the Town's portion would be approximately \$5,600. It is a very deep grinder pump; we have to make sure that we picked a pump that would be able to be put in that deep. Mr. Johnson has been working for a few weeks on getting estimates and has been going out and jet rodding it to keep it clear to avoid more backups. Councilmember Roberts has had a lot of contact with these residents; they are very frustrated and have spent a lot of money trying to deal with the problem already. I have explained to them how we have handled other cases. It seems very clear that their problem is not letting the flow get to our problem but in the future it could cause additional problems.

Councilmember Mattingly commented that this time the problem is their problem.

Ms. Miller responded that we believe it is not ever getting to our problem. You don't see the flow at the second clean out; it is getting hung up before that. Our problem does aggravate the situation and they are adamant that we need to do something that resolves both problems and the grinder pump will do that, but it is a costly fix.

Councilmember Mattingly remarked that the burden should not be on the Town alone, as we have stated in the past with the other residents, and it seems we have no other alternative, Mrs. Bupp and Mr. Deaderick should share their fair cost. Are they saying that they want the Town to provide the answer and finances for their problem?

Ms. Miller stated that originally they did and we required the TVing be done and they are adamant there is a problem on both sides. I have not agreed to anything other than sending our guys out to jet rod it every week to make sure they do not have an overflow until we have a meeting and can decide what our offer will be.

Mayor Norris noted that this has gone back and forth for quite a long while.

Ms. Miller stated that it is clear on the video that there are two problems. The grinder pump is the solution that takes care of both problems.

Councilmember Collier inquired what it would cost to fix only our problem.

Ms. Miller responded that we would put the grinder pump in. It is difficult and costly to fix this site due to Route 5. We would like to present the same offer we extended to the previous residents in this similar situation.

Mayor Norris suggested we consult the Town attorney, Mr. John Norris and have an agreement drawn up to present to the owners.

Ms. Miller replied that she will move forward with that suggestion.

Ms. Miller announced that everyone should look on www.somd.com and on our website <http://leonardtown.somd.com> , the MML article is featured.

Councilmember Roberts reminded Ms. Miller to tell everyone the comments she received from MML that they have gotten the most responses from this article and that the Maryland Economic Association wants to partner with MML, after seeing this article.

Ms. Miller remarked that the September meetings of the Town Council and Planning and Zoning will begin showing on Channel 10, Public Access channel, sometime between 9:00 p.m. and 12:00 a.m. on Monday nights.

Mayors Report

Mayor Norris thanked Ms. Dimsey and Mrs. Peele who accompanied him to the St. Mary's County Fair to help the Lion's Club man the admissions booth and Councilmember Collier also assisted. Mr. Kennedy Abell stopped by to personally thank us for helping them out.

Also, the Lt. Governor's office called to say that the Lt. Governor plans to be here for our Veterans Day Parade. The Pastor's at each church have been very, very gracious in dealing with this as the parade does inconvenience the churches.

Council Reports:

Events – Councilmember Mattingly:

Upcoming Events of Interest/Meeting Reminders:

| <u>Date</u> | <u>Time</u> | <u>Meeting/Event</u> |
|--------------------|--------------------|-------------------------------------------------------------------|
| Tuesday, Oct. 9 | 9:00 AM | Chamber Tourism Committee Meeting @ SM Airport Conference Room |
| Wednesday, Oct. 10 | 8:30 AM | LBA Meeting – Doh Dah Deli |
| Thursday, Oct. 18 | 8:00 AM | 30 TH Annual Golf Classic @ Breton Bay |
| October 18-20 | | MML Fall Conference |

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|----------------------------------------|--------------------------------------------------|-----------------------------------------------------------------|
| | | @ Greenbelt Marriott in Greenbelt |
| Saturday, Oct. 20 & Sunday, Oct. 21 | 9 AM-6 PM 11 AM-6 PM | SMC Oyster Festival @ SMC Fairgrounds |
| Wednesday, Oct. 24 | 5:30 PM | Chamber “Business After Hours” @ TRICO Corp., Lexington Park |
| Saturday, Oct. 27 | 1 PM-3 PM | Scarecrow Making on the Town Square w/Old Towne Crafters |
| Saturday, Oct. 27 | 3 PM-4 PM | Trick-or-Treating on the Town Square w/ downtown Merchants |
| Saturday, Oct. 27 | 11 AM – 5 PM | Fall Festival & Taste of St. Mary’s @ Greenwell State Park |
| Sunday, Nov. 11 | 10:00 AM | Veterans Day Parade in Leonardtown |
| Saturday, Nov. 10 & Sunday, Nov. 11 | 9 AM-5 PM 10 AM-4 PM | Antique Show & Sale @ Leonard Hall Jr. Naval Academy |
| Friday, Nov. 23 | 5 PM-9 PM | Christmas on the Square & Tree Lighting |
| Friday, Nov. 23 - Sunday, Nov. 25 | Fri, 9 AM-9PM Sat, 10 AM-5PM Sun, Noon-6PM | SMC Festival of Trees @ Bell Motor Co. Showroom |
| Saturday, Dec. 15 | 11 AM – 1 PM | Santa & Mrs. Clause on the Square |

Grounds – Councilmember Combs: No report

Streets and Roads – Councilmember Wise: No report

Capital Projects – Councilmember Collier: No report

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that she attended the recent SMMA meeting held in the Village Green at the Town of Indian Head. It was a lovely location. Mayor Norris is scheduled to attend the MML Fall Conference.

Adjournment:

Councilmember Mattingly moved to adjourn the meeting. Councilmember Collier seconded the motion, which passed unanimously. The meeting adjourned at 5:35 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