



Commissioners of Leonardtown

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J. HARRY NORRIS
Mayor

LASCHELLE E. MILLER
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **April 14, 2008 ~ 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; Teri Dimsey, Recording Secretary; Jackie Post, Fiscal Clerk, Dan Burris, LBA; Wayne Davis, W.M. Davis; Gordon Stellway, Realtor; Glen Mattingly, Resident.. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Norris called the regularly scheduled meeting to order at 4:05 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 March 10, 2008 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve the March 10, 2008 Town Council meeting minutes; Councilmember Mattingly moved to approve the minutes; seconded by Councilmember Collier; no further discussion, motion passed unanimously.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that in the packet is the financial information for March 2008. During the month, she transferred \$245,000.00 to the checking account. We are 75% through the budget year. Budget Amendments will be brought forward at next month's meeting for projects that the Council approved.

Police Report – Deputy Simonds

Deputy Simonds introduced his supervisor, Cpl. Frank Fowler.

Deputy Simonds reported that they made the last arrest for the recent property destruction and the investigation was closed. There was a suspicious incident at the Courthouse involving a

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suitcase/suspicious package, which started out as a possible serious situation but was determined not to be an explosive device. We also had a juvenile apprehension/second degree assault that occurred with two students riding a bus in the parking lot of Leonard Hall and one of the juveniles was arrested.

Deputy Simonds stated that he attended a Class A Basic Mountain Bike Certification school in Charles County which was sponsored by LEBA. There are many advantages for utilizing a bike for different operations, as well as the events. He is also involved in Project Lifesaver and is handling only the clients in the Leonardtown area. Two other Deputies handle the north and the south end of the County.

The Cpl. and I visited Goddard Court, the retirement/senior center and met with Cindy Williams. The last two days of April and the 1st day of May, they will be undergoing major renovations with the parking lot and are working with the fire house for temporary parking.

Mayor Norris thanked Cpl. Fowler for joining them today. Deputy Simonds and I went around to a couple of the business people. I am pleased to say that he handled himself very well, but to have that kind of a presence and to have a Deputy willing to go out and meet with the merchants right away is a big deal. I think that is what community policing is all about, that is a tremendous asset to us.

Deputy Simonds commented that there were a couple of concerns and he will continue to brief Council on how things are going. His presence with his dog Cairo will help a great deal. There are a couple of areas in Leonardtown that we will be keying on such as the concerns that relate to traffic. According to the CompStat Report, one of the hottest areas for traffic complaints/accidents is between the Exxon at Rte. 243 and Rte. 245. A good portion of reported accidents occur when people are coming out of Moakley onto Route 5 attempting to go southbound.

Mayor Norris stated again he and the Council appreciate all they are doing.

Councilmember Collier moved to close the regular meeting and open the scheduled Public Hearing on Constant Yield Tax; Councilmember Wise seconded; no further discussion, motion passed unanimously.

PUBLIC HEARING – CONTANT YIELD TAX

Mayor Norris opened the Public Hearing on Constant Yield Tax

Mayor Norris commented that the two public hearings are intertwined but we will address each one separately and asked Ms. Sothoron to explain.

Ms. Sothoron stated that the advertisement required by the State of Maryland appeared on April 2, 2008, in the Enterprise. The constant yield tax rate as determined by the State Department of Assessments and Taxation is .138 for Leonardtown. The proposed tax rate in the recommended budget is fifteen cents per one hundred dollars of assessed valuation and that would generate an additional \$32,371 in real property taxes. The Town tax rate and the fiscal year 2009 budget are scheduled for adoption at today's Council meeting. If the Council chooses to postpone adoption, it must set and announce a new date at today's meeting.

Mayor Norris stated that, again, this public hearing has to do with the constant yield tax and will be open to the public. Does anybody here have any comments? Have we received any letters?

Ms. Sothoron stated “no” there have been no written comments. And she has not received any phone calls.

Councilmember Wise moved to close the Public Hearing on Constant Yield Tax; Councilmember Mattingly seconded; no further discussion, motion passed unanimously.

Planning Department – DeAnn Adler

Ms. Adler reported that the Planning and Zoning Commission meeting was held on March 10, 2008:

- **Case # 88-06 Emergency Operations Center Equipment Shelter** – located on Baldrige Street at the Governmental Center. The applicant was requesting re-approval of the concept plan due to the impending expiration of their previous approval. They had also changed the location of the building within the site. This re-approval was granted.

Councilmember Collier asked where it was to be relocated. Ms. Adler stated it is to be where the impound lot was located and the impound lot is to be relocated somewhere on St. Andrews Church Road.

- **Case # 17-08 St. Mary’s Ryken High School** – The school was requesting preliminary concept plan approval for the athletic field and parking area. This approval was granted.

The upcoming Planning and Zoning Commission meeting will be held on Monday, April 22, 2008:

- **Case # 26-08 Lot 71 & Parcel G, Leonard’s Grant – Lot Line Adjustment** – Quality Built Homes is asking for a boundary adjustment of 5’ for Lot 71 at Leonard’s Grant.
- **Case # 136-04 Courthouse Square Project** – Mr. Dean Beck is requesting final concept re-approval of his Courthouse Square project. This project’s current approval will expire in May 2008.
- **Case # 136-04 (A) Courthouse Square – Minor Subdivision Request** – Mr. Beck is also requesting a 3 lot subdivision request for this project.
- **Case # 38-06 (A) Sterling House – Minor Subdivision Request** – Mr. Beck is also requesting a subdivision request for the Sterling House Project.

Town Administrator’s Report – Laschelle Miller

300th Birthday Event Update

- May 16th- Wharf opening and 300th Birthday celebration- 2-7 p.m. There will be a short program at 2:00 p.m. followed by an open house until 7:00 p.m. We do have a band and the local restaurants

will be providing refreshments. Everyone is invited to come out and join us for the opening of the Park.

- On September 12, 13 & 14, there is a maritime weekend celebration planned.
- Friday night- private cocktail reception at the Wharf.
- Saturday- family oriented, public water activities. We plan on having some boats and exhibits as well as some informational sessions. Also, Newtowne Players will be doing a play periodically throughout that day related to Leonardtown.
- Sunday- fashion show and tea. The tea is being given by the Fire Department Auxiliary.
- On December 17th, we will hold an open house at the Town Hall. That is the actual birth date.
- College of Southern Maryland is holding a series of Friday night lectures 6/6, 8/1, 9/5, 10/3.
- The County Times is doing a Collector Series on Leonardtown. There will be four pull-out collector's pieces in the paper running May, July, October, and December featuring government, services, people and old time photos.
- The Leonardtown cookbook will be available this summer. We have received over 300 recipes.
- On December 17th, there will be a one-day official USPS postmark celebrating Leonardtown's birthday. That will be on the actual birth date, December 17.

Councilmember Roberts asked if the cookbook will be printed by a local printer. Ms. Miller stated that originally the committee had looked at various cookbook companies which are all are pretty much within the same price range. Ms. Lemmon decided to ask the local printers; Printing Press bid on the job and came in pretty much within the same price range. The staff recommendation is to go with the local bidder, Printing Press. We can work with them to personalize the cookbook better than with a cookbook company. The total is approximately \$7500. We probably won't need all of that money before we start having sales. They are going to meet the same terms as the other company, which is 1/3 up front, 1/3 in 30 days, and 1/3 in 60 more days. From the 300th Anniversary budget we will be fronting that money until the cookbooks are sold.

Councilmember Roberts moved to award the cookbook contract to Printing Press; seconded by Councilmember Collier; no further discussion; motion passed unanimously.

Maryland Environmental Service Sludge Press Proposal- We discussed during the budget workshop the possibility of renting a sludge press until the expansion moves forward instead of purchasing a new one for \$360,000 which may not be the press we choose after the expansion. There is a contract in your packet for one year at \$1,800 a month. They will mobilize for a total of \$4,090 to get it up and running. They will actually do the maintenance inspection and the regular maintenance quarterly. The first year contract total will be \$23,824.00. Included in the contract is the possibility of renewing at the same rate

for additional years, depending on how long the expansion is delayed. We feel this is a much better option because we don't know what type of system we are going to want when we go with the expansion. We had initially put that in the budget for \$360,000.00 so this will be able to take the place of that. If the Council would approve the contract today, we will be able to proceed.

Councilmember Roberts moved to award the 1-year contract with renewal for the rental of the sludge press to Maryland Environmental Service; seconded by Council Vice President Wise; no further; motion passed unanimously.

Mayor Norris stated we are short two members on the Board of Appeals. Postcards were sent out seeking volunteers to serve on various boards and committees and we have heard back from some folks. Ms. Dimsey set up a meeting with a group of these folks and I met with them. Ms. Dimsey is working to coordinate another group meeting. I do have someone from Academy Hills and from Singletree, who both have said they would like to sit on the Board of Appeals but they haven't gotten back to confirm. I think they would be good representatives from those two areas and if they are willing to accept it, I would recommend that we make these appointments.

Ms. Miller stated they are appointed by Council.

Mayor Norris asked the Council to authorize him to make these appointments.

Councilmember Roberts said it is a good idea to bring people in from different areas of the Town.

Mayor Norris asked if it is the consensus of the Council that if he gets confirmation back, he will appoint them members of the Board of Appeals.

Mayor Norris received consensus from the Council to make the appointments.

Councilmember Wisner moved to close the regular meeting and open the scheduled Public Hearing on FY09 Recommended Budget; Councilmember Collier seconded; motion passed unanimously.

PUBLIC HEARING – FY09 RECOMMENDED BUDGET

Mayor Norris opened the Public Hearing on FY09 Recommended Budget and asked Ms. Sothoron to proceed.

Ms. Sothoron stated that today's hearing was advertised in the Enterprise on March 26 and 28, 2008. The Mayor presented his draft budget to the Council at the March 10, 2008 meeting. The Mayor and Council held two budget workshops during March and this recommended budget was made available for public review on April 2, 2008. So any comments or adjustments that were made were incorporated and this recommended budget has been available since April 2, 2008. There is a very detailed budget message, almost 5 pages, which provides details about the budget itself but the highlights are: The tax rate is proposed at 15 cents per 100. The quarterly residential utility rate would go to \$204.78 for a residential customer. That is an increase in dollars of \$4.21 or 2.1% overall. The recommended budget also provides a significant use of General Fund Reserves to pay for two capital projects, totaling \$324,319.00. No written comments were received.

Mayor Norris asked if there were any questions or comments.

Mr. Gordon Stellway, resident, asked about the status of the sewer expansion? I know it has been put on hold as the contractors came back with bids more than anticipated. Is there any accommodation in the budget for that?

Ms. Sothoron answered that the expansion was not put on hold because of the bid price. It never has been put out to bid yet. It is put on hold because of development slowdown in Leonardtown and there has not been enough pickup to guarantee money to pay the debt back. So for the 18 million dollars that we would have to borrow to fund the expansion, we don't have guaranteed revenue for it at this time. When developers really start to gear up again and there is a guaranteed revenue source, we project we can move forward with the expansion.

Mayor Norris stated that this Council has been very much aware and is attempting to do is establish impact fees so that when we do expand the plant, the expansion costs will fall on the new development and not on the shoulders of those people who already live here.

Mr. Stellway stated that when developers decide to move forward with their projects they would be faced with the impact fees?

Mayor Norris replied yes. We do have limited capacities but we are not totally out of capacity, regardless, anybody that comes forward from now on will pay our current impact fees.

Mayor Norris asked for any comments and concerns, there being none, Mayor Norris entertained a motion to close the Public Hearing on FY09 Recommended Budget; Councilmember Roberts moved to close the Public Hearing on FY09 Recommended Budget; Councilmember Wise seconded; motion passed unanimously.

Mayor Norris entertained a motion to approve the FY09 Recommended Budget.

Councilmember Combs moved to approve the FY09 Recommended Budget as presented; Councilmember Collier seconded; no further discussion, motion passed unanimously.

Mayor Norris asked if there were any other concerns or comments.

Councilmember Roberts thanked the staff for all the time they have put into that.

Town Administrator's Report (continued) – Laschelle Miller

Ordinance No. 135-140- At the table today are the revisions from comments received on the draft Ordinances which are for introduction only today for the zoning text amendments. There is a Public Hearing scheduled at Monday's Planning & Zoning Commission meeting for these amendments and then a recommendation will come back to you at your next meeting. They are:

Ordinance No. 135 – Time Limits for Permits and Approvals (Section 155-109).

Ordinance No. 136 – Amendment to Accessory Use of Buildings Definition (Section 155-4).

Ordinance No. 137 – Accessory Buildings (Section 155-60).

Ordinance No. 138 - Swimming Pool Setback Requirements (Section 134-1.1).

Ordinance No. 139 – Mixed-Use PUD – Amendment to Article IV (Section 155-24).

Ordinance No. 140 – Administrative Variances (Section 155-105.C).

Ms. Miller provided a brief description and overview of the changes proposed. There were a few questions from the Council members that were answered by Ms. Miller. No action is necessary today.

Ordinance No. 133- Mayor's Salary and Town Council Stipend- This ordinance was introduced at the March 10th meeting and can be voted on this month. Following the election on May 2, 2008, the Mayor will receive a salary of \$18,000 per year. Following the election in May of 2010, the Council will start to receive a salary of \$2,400 per year.

Councilmember Roberts moved to adopt Ordinance No. 133, Mayor's Salary and Town Council Stipend; seconded by Councilmember Combs.

Discussion ensued regarding Ordinance No. 133. Councilmember Mattingly stated that the present Council members ran knowing this was a non-paying position, knew we had meetings and special events and that it could lead into giving a lot of their time. Why should there be compensation? I am not in favor of this Ordinance. If people are getting paid maybe they should become paid employees of the Town, if, in fact, that is the way this is going. A lot of time is put in by the Council members and Mayor but I am opposed to this particular amendment.

Councilmember Collier stated that he is in favor of the Mayor's salary as the Mayor puts in a considerable amount of time; it is a great demand on him everyday and it impedes his ability to make a living. I do not feel the same for the Council members and I am opposed to the stipend for the Council members. I want it on the record that I am in favor of the Mayor's salary but because they are both combined, I will vote for the amendment.

Councilmember Roberts stated that she is very much in favor of the annual salary for the Mayor. As the Town grows, this has become a full-time job for the Mayor. I also am in favor of the stipend for the Council members. This will not affect anybody sitting at this table because it does not go into effect until 2010. But, if you are an involved Council member, you attend 2 or 3 events every week, depending on the time of year. I do not think anyone will get rich on \$2,400 but it definitely would be an avid incentive perhaps, for people to run for a Council seat.

Council Vice President Wise agreed with what Councilmember Roberts said.

Mayor Norris stated there is a motion on the floor to adopt Ordinance No. 133 and seconded. Motion carried 3 Council members in favor, 2 Council members opposed.

Asphalt Paving bid- We did put a packet out for public bids for two streets, Seymour and Duke Streets for asphalt paving and also for the Leonardtown Wharf project, just for the 40' section in front of the park. We received six (6) bids. They are in your packet. They range from \$39,733 up to \$109,206. Three of those bids were actually very, very close, right around \$70,000. Two of them within \$200. We

went back and looked at the low bid with ASAP Paving, a company out of Virginia. They are 2 hours away. Looking at the prices and the way this job is set up; we bid it so that prior to the May 16th opening of the Wharf, the Washington Street paving had to be done. We need Leonardtown Elementary to be completed before the other two streets are done – that would be after July 1 and prior to school – so there are very tight time constraints on that. Looking at the prices and having the concern with a company 2 hours away to be able to accommodate this small job and being able to complete the job, which one thing we have never done is ask for a Bond on the bids and this is something we may want to consider after this experience. The second bid was Copenhagen Paving and was \$56,347.90. After conversations with both companies and looking at how the prices were working out, we really had a concern with the ASAP Paving being able to complete those jobs. Staff recommendation is for Copenhagen Paving for \$56,347.90.

Councilmember Collier moved to award the asphalt paving contract to Copenhagen Paving; Councilmember Roberts seconded; no further discussion; motion passed unanimously.

McIntosh Outfitters Proposal - In your packet is an overview of a proposal from McIntosh Outfitters to utilize facilities at Leonardtown Wharf and Port of Leonardtown to run a canoe/kayak rental business. In return the company would open, close and clean the facilities at the Leonardtown Wharf. This could be done on a trial basis to see how it works for both parties. We do have Jim Beasley here today to answer questions and to give us a brief presentation.

Councilmember Roberts addressed Mr. Beasley stating that it sounds like a wonderful plan.

Ms. Miller elaborated on the location of the Port of Leonardtown. It is the old State Highway property and the winery is planned for that location with the Grape Growers Co-op in conjunction with St. Mary's County. We also have, in our budget, money to begin completion of a park as well that already contains a kayak launch.

Mayor Norris introduced Mr. Beasley and his wife, Connie. Mr. Beasley will handle rentals and transportation back and forth. St. Mary's County currently has 16 sites and proposed, over the next couple of years, as many as 21 public access and kayak launches.

Councilmember Collier asked Mr. Beasley where he plans on keeping his kayaks and canoes.

Mr. Beasley stated that the state garage facility has storage capacity, at least temporarily. I have too many boats to keep continuously on site at the Wharf at this point. I have storage facility at my property in Mechanicsville but in the day-to-day operation, it would be beneficial if I could have the reserve of boats stored at that end. I think a lot of people would be more interested in putting in at the top and ride down to the bottom and so forth.

Ms. Miller stated we were thinking about a trial period.

Mayor Norris stated that Councilmember Combs is really the one who is going to be handling the park area itself at the Port of Leonardtown and I think Mr. Beasley and Mr. Combs should meet and discuss the details.

Councilmember Roberts stated that she believes the plan is to begin operating when the Wharf Park opens May 16th.

Mr. Beasley responded yes.

Ms. Miller stated that Mr. Beasley is proposing Friday, Saturday and Sunday to be in the concession stand.

Mr. Beasley stated that he is proposing to be in Leonardtown all day Friday, Saturday and Sunday. Monday through Thursday, depending on what business indicates, our presence will be on a reservation basis. The sooner I can get in and start testing the waters, see how things go, the sooner we will be able to go ahead and confirm additional orders. I currently have a good mix of boats, a little something for everybody.

Councilmember Combs stated he thinks we should have a written agreement. It was the consensus that Mr. Beasley meets with Ms. Miller and Mr. Combs and draw up a written agreement.

Ms. Miller stated unfortunately, because of all the construction going on, we should wait until at least May 16th to put this agreement in effect. We can't be encouraging traffic at the Wharf right now.

Mayor's Report

Mayor Norris reported that he is meeting with a group of people who have expressed interest in serving the Town. We should be able to fill available seats on the Planning and Zoning Commission and the Board of Appeals. We decided to move the Comprehensive Plan up a year. Most of the people we have met with will do quite well on one board or the other.

Laschelle and I were in Annapolis today to join the Governor in announcing that Leonardtown will be "Capital for a Day" on July 17, 2008. Please jot down any ideas you would like to see the Town do on July 17th at the State Capital. The Governor was very, very pleasant and very complimentary about our Town.

Council Reports:

Events – Councilmember Mattingly:

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Wednesday, April 16	11:30 AM	Chamber Members Luncheon @ Outback Steakhouse - \$10 donation goes to BECA
Sunday, April 20	12:30-4:30 PM	Earth Day Celebration in the Town Square
Wednesday, April 23	5:30 PM	Chamber "Business After Hours" @ Dean Lumber in Hollywood

Sunday, April 27	8 AM-4 PM	Spring Fling XXII Classic Car Show on the Town Square (Raindate May 4)
May 1 - May 4		15 th Annual Spring Fling @ SMC Fairgrounds
Wednesday, May 14	11:30 AM	Chamber Business Awards Luncheon
Wednesday, May 14	1:30-6:30 PM	Chamber Business Showcase 2007 @ So. Md. Higher Education Center
Friday, May 16	2:00-7:00 PM	Leonardtown Wharf Grand Opening And Tricentennial Celebration
Saturday, May 24	6:00 PM	Downtown Tunes in Town Square

Parks – Councilmember Combs: No report.

Streets and Roads – Councilmember Wise:

Corinthian Contractors will be working on the streetscape project. Ms. Miller has a pre-construction meeting in Annapolis on Wednesday with the contractors but she is not sure when work will begin.

Capital Projects – Councilmember Collier:

Councilmember Collier reported that on Washington Street, going down the walk, they are putting in a new force main. There will be a lot of construction/congestion in that area. This should be finished by Friday, reported Ms. Miller.

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that the next SMMA meeting will be hosted by Leonardtown on Wednesday, May 21, 2008. We are working on a dinner location and would like for everybody who can to attend. Councilmember Roberts stated that Indian Head will be taking over the Soap Box Derby and they would like for us to stay involved. Soap Box Derby will be here this year but next year Indian Head will take over.

Adjournment:

Councilmember Mattingly moved to adjourn the meeting. Councilmember Collier seconded the motion, which passed unanimously. The meeting adjourned at 5:15 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