



Commissioners of Leonardtown

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J. HARRY NORRIS
Mayor

LASCHELLE E. MILLER
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **February 9, 2009 ~ 4:00 P.M.**

Attendees: J. Harry Norris, Mayor
Walter Wise, Vice President
Dan Burris, Councilmember
Thomas Collier, Councilmember
Robert Combs, 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; Tony Wheatley, Capital Projects Coordinator; Jennifer Jewell, Resident; Richard Fuller, SMCSG Coop; Frank Fearn/Mark Boucot, St. Mary's Hospital; John Wharton, Enterprise; Joann McKeown, Quality Street Kitchen. 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 January 12, 2009 Town Council meeting were presented for approval.

Councilmember Roberts moved to approve the January 12, 2009 Town Council meeting minutes; seconded by Councilmember Collier; no further discussion, motion passed unanimously.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that during the month \$200,000 was transferred to the LGIP for operating expenses. We are 58% through the budget year. By the end of this month we will have our second income tax distribution. Another copy of the approved Fiscal Year 2010 Budget Calendar has been provided at the table for your review. As a reminder, the April 10th due date for all budgetary items has been highlighted. A request has been submitted for over \$64,000 to the County for tax rebate payment which is up from last year's \$58,000. I will monitor the county process to see if that is fully funded. The county tax sale is scheduled for the first week of March, we have 15 properties that were advertised in the newspaper; eight of those are related to

the Tudor Hall property. Last week we received information on new construction half year tax bills and there are 32 accounts, the most we have ever had and that will yield about \$5,300 in revenue.

Police Report – Deputy Simonds

Deputy Simonds provided more detailed information to Council on the number of assaults, thefts and motor vehicle accidents during the month of January which is summarized in his written report.

Mayor Norris entertained a motion to close the regular meeting and open the Public Hearing on Ordinance No. 142 – Zoning Text Amendment Article XIX and XX.

Councilmember Roberts moved to close the regular meeting and open the Public Hearing; seconded by Councilmember Burris; motion carried unanimously.

Mayor Norris opened the Public Hearing and referred to Ms. Adler for a description.

Ms. Adler reported that this is a required public hearing for ordinance change #142. This ordinance is for a zoning text amendment to add the words “plus one alternate” to the P & Z and BOA boards. Two months ago this ordinance was introduced to the council. Last month there was a public hearing held at the planning and zoning meeting for this ordinance. There were no members of the public present to comment and the board voted unanimously to forward a recommendation of approval to this council.

Mayor Norris asked if there were any comments from the floor.

There being none, Mayor Norris entertained a motion to close the Public Hearing and open the regular meeting.

Councilmember Roberts moved to close the Public Hearing on Ordinance #142 and open the regular meeting; seconded by Councilmember Burris, motion carried unanimously.

Mayor Norris entertained a motion on approving Ordinance No. 142 – Zoning Text Amendment Article XIX and XX,

Councilmember Roberts moved to accept Ordinance No. 142 – Zoning Text Amendment Article XIX and XX; seconded by Councilmember Collier, motion passed unanimously.

Planning Department – DeAnn Adler

Ms. Adler reported that last month the Planning and Zoning meeting was held on January 20, 2009. We had two cases to be heard. The cases were:

Case # 91-03 Foxwell Condominiums Phase II, Building II – Mr. Wayne Davis submitted a condo subdivision application for the second building at the Foxwell Project. This application was approved unanimously.

A public hearing was held for Ordinance Change # 142 – This was for a zoning text amendment to add an alternate to the P & Z and BOA boards.

Upcoming Planning and Zoning Meeting – February 17, 2009

Ms. Adler reported that the next Planning and Zoning meeting will be held on February 17, 2009. We have two cases to be presented, they are:

Case # 110-08 Hooper/PIRD Application – 22840 Lawrence Avenue – This is a request for a PIRD Zoning overlay that the Town Council heard last month. There will be a public hearing for this redevelopment project at the February 17th meeting.

Case # 17-08 B Ryken High School – Mr. Mike Mummaugh, on behalf of Ryken High School, is requesting a building permit to construct a small building as part of the overall renovation project of portions of the school. The school has not received quite all of their final approvals from the various agencies yet, but is close, and would like to get started on this small portion of the project.

Town Administrator's Report – Laschelle Miller

Quality Street, LLC Liquor License Request- Quality Street offers cooking classes and also does catering. Joann McKeown is requesting a Class B, Beer, Wine and Liquor license which covers on and off site sales. Her request letter is in your packet. Please note that the neighboring business, P.S. It's All Good, had a liquor license and has closed for business.

Mrs. Joanne McKeown remarked that many clients have requested alcoholic beverage services for their events and she is unable to provide that service. There are only a limited number of caterers offering this service in the area.

Councilmember Burris inquired if the sale of wine would be limited to purchase during/after a cooking class.

Mrs. McKeown responded that was correct.

Councilmember Roberts moved to approve a letter of recommendation be written in favor of Quality Street obtaining a Class B, Beer, Wine and Liquor license for on and off site sales; seconded by Councilmember Wise, no further discussion, motion passed unanimously.

The Tea Room Liquor License Name Change Request- John Urquidez is requesting to transfer the existing liquor license from Dot Sparling's name to his. No services will change.

Councilmember Roberts moved to approve a letter of recommendation be written in favor of the Tea Room's request for a name change on the liquor license; seconded by Councilmember Wise, no further discussion, motion passed unanimously.

St. Mary's Hospital Temporary Trailer Request- Mr. Frank Fearn contacted us after the last meeting and said that the hospital wants reconsideration to the decision on the MRI trailer that is for sale. Mr. Fearn will be at the meeting to explain that the hospital wants to be able to continue to use the MRI trailer.

Mr. Fearn explained that after more discussion with several departments it was determined that the hospital has a need to continue to utilize the MRI until such time that the new Annex is built.

Councilmember Roberts questioned Mr. Fearn on the timeline of moving the MRI inside the hospital.

Mr. Boucot responded that they are trying to maintain a three day turnaround for all patients which would require us to utilize the MRI in the trailer. The plan is to move the MRI into the hospital once the addition of the Annex is complete and to donate the MRI trailer to a third world nation.

Councilmember Wise moved to approve an extension of the permit for the use of the MRI trailer until six months after the completion of the Annex and a permit extension for the Classroom trailer for six months or until completion of the centennial expansion; seconded by Councilmember Combs, no further discussion, motion passed unanimously.

Introduction of Ordinance No. 143-Property Acquisition- Introduction of this ordinance relative to the Leonardtown Wharf project. The Council will not take action for at least 6 days on the ordinance.

Ms. Miller read the text of the ordinance for introduction.

Mr. Phil Dorsey brought forward renderings showing the area/parcels that are affected by the ordinance and he provided a brief description of the details of the condemnation ordinance.

Ms. Miller noted that a press release would be sent out following today's meeting.

Mayor Norris requested that Council hold an executive session following today's meeting.

Award Comprehensive Plan Update Consultant Contract- The Town received a \$35,000 Sustainable Communities grant to hire a consultant to work with us on the Comprehensive Plan Update. We were not required to publicly bid the project but needed to get competitive prices from at least 3 experienced companies. We got names of consulting firms from Md. Dept. of Planning and MML and have received 4 proposals based on the specs we issued. Following is an overview of the prices and any major differences:

<u>Company</u>	<u>Fee</u>	<u>Meetings proposed</u>	<u>Notes</u>
URS Corporation	\$29,920	+/- 14	Tony Redman-principal
ERM	\$29,926	4 workshops 1 TC meeting 2 Public Hearings	Sam Crozier-sub
Jakubiak & Assoc.	\$32,000	+/- 8	
Davis, Bowen & Friedel	\$35,000	4 total	

Councilmember Roberts moved to accept the bids with a \$6.00 difference proposed by two firms ERM and URS and authorize staff to make the final award based on finding out additional information.

Councilmember Combs asked that they confirm the number of meetings before making the award.

Councilmember Collier seconded, no further discussion, motion passed unanimously.

Port of Leonardtown Winery- There are several items that need to be finalized for the winery. Our hope is to begin construction sometime this month if at all possible. Mr. Bob Schaller and Mr. Rich Fuller are here today for any questions.

- Lease- The co-op is satisfied with the lease that we proposed. Action is needed to allow the Mayor to sign the lease.

Councilmember Roberts moved to authorize Mayor Norris to sign the lease; seconded by Councilmember Wise, no further discussion, motion passed unanimously.

- Construction process- I have advertised for trades that are interested in bidding on the various aspects of the construction. The plan is to get at least 3 prices for each aspect of the work instead of hiring a general contractor and adding their overhead. Chris Bologna and Tony and I will work together to oversee the project. The County appears to be comfortable with this process for the funding. I am awaiting something in writing to verify that before commencing the work. Council would need to approve this process for the construction.

- Equipment process -The process for purchasing equipment is recommended to monitor winery equipment auctions to try and purchase some of the equipment used. Some of the equipment will need to be ordered new and has long lead times. We will work with the winery consultant to approve all equipment purchased and we will have final purchasing decision. This process would also need approval.

Councilmember Roberts moved to approve the construction process as overseen by the the Winery Co-Op, the County and the Town and the equipment purchase process as approved by the Winery Consultant and overseen by the Winery Co-Op, County and the Town, seconded by Councilmember Wise, no further discussion, motion passed unanimously.

- Matching Funds-Finally, attached is an overview of the funding for the winery. As it stands right now we have a shortfall of \$92,447. Marbidco has authorized a \$25,000 matching grant which leaves \$67,447. We are requesting the Town to fund \$35,000 of the shortfall and the County is looking at funding the other \$35,000. We will continue to look at ways to cut costs but at this point things have been cut to the bare minimum.

Councilmember Collier moved to approve the funding of \$35,000 to fund half the shortfall which the County will also provide a match of \$35,000, seconded by Councilmember Combs, no further discussion, motion passed unanimously.

Mr. Bob Schaller commented that this has been very unique project to work on; it is a triangle of the County, the Town and the wine group working together and appreciates all the support.

Back Up Generator Bid Award- We received a \$60,000 Homeland Security grant through Emergency Operations with the County last year. We publicly advertised to purchase the equipment. See Tony's write up attached. The recommendation is to award the bid to Ryce Electric in the amount of \$51,399.

Mr. Wheatley reported that he reviewed the bids between Mackey Electric and Ryce Electric for the installation of the backup generator for well #5 and found that it would be in the Town's best interest to award the installation of the generator contract to Ryce Electric. Ryce Electric bid came in at \$51, 399.00 for a complete running system with training. Mackey Electric bid came in at \$57,000.00 for a complete running system with training being a difference of \$5,601.00. There was a difference in the generator that was submitted by the two interested bidders. Mackey Electric submitted a Katolight Generator and Ryce Electric submitted a Kohler which is what was required by our RFP. I would recommend Ryce Electric be awarded the contract for the installation of the generator due to the bid price and the correct manufacturer of the product.

Councilmember Collier moved to accept the Ryce bid proposal; Councilmember Burris seconded, no further discussion, motion passed unanimously.

Phase 2-Water Meter Project- There are a number of items that require attention for this project. Tony reviewed his report for the details. The following action will be requested:

- Overview of budget and status of Phase 1. Authorization to proceed to Phase 2.
- Water Meter Equipment Bid Award
- Procurement of Supplies
- Water line replacement in alley

Authorization of Phase II – Mr. Wheatley reported that he placed a halt on the water main for the last alley as the water main needs to be replaced between Dorsey and Longmore and is requesting to use the savings from Phase I.

Councilmember Collier moved to approve the water line replacement for the alley between Dorsey and Longmore; seconded by Councilmember Roberts, no further discussion, motion passed unanimously.

Councilmember Collier moved to authorize Mr. Wheatley to move forward to complete the total water meter project in Phases; Councilmember Combs seconded.

Mayor Norris commented that there may be necessary actions to be taken for each Phase and would recommend that Council approve each Phase as necessary and not the entire project.

Councilmember Collier amended his motion to authorize Mr. Wheatley to proceed for Phase II only and to come back before the Council for approval for each Phase; seconded by Councilmember Burris, no further discussion, motion passed unanimously.

Water Meter Equipment Bid - I have reviewed the bids between WaterWorks, Inc. and Fluid Solutions Inc. for the Water Meter Contract and found that it would be in the Town's best interest to award the Water Meter Contract to Fluid Solutions, Inc.

The total price difference between WaterWorks and Fluid Solutions for the 5/8 x 3/4 residential meters and the reading equipment for 630 residential units is approx. \$34,826.00.

Fluid Solutions is @ \$119,423.40

WaterWorks is @ \$154,350.00

My findings show that Fluid Solutions Inc. prices are 20% to 40% cheaper than WaterWorks Inc. for the meters. Mr. Johnson has installed 3 of the meters from Fluid Solutions and demonstrated how the system was able to read the meters simply by performing a drive by in the vehicle. Water usage was obtained in seconds with no problems. Mr. Johnson and I have also met with The Calvert County Utilities Division stated several times that Fluid Solution Inc. stands by their product and service therefore, I would recommend Fluid Solutions Inc. be awarded the contract for the Water Meters and Reading Equipment.

Councilmember Collier moved to accept Fluid Solutions Inc. bid proposal, seconded by Councilmember Roberts, no further discussion, motion passed unanimously.

Procurement of Supplies-Ms. Miller noted that Mr. Wheatley has researched the purchase of the necessary supplies, outside of the meters, and is recommending contracting with Belair Road Supply as they are less expensive, have good customer service and do not charge a delivery or restocking fee and guarantee their prices to remain the same for the term of the contract.

Councilmember Collier moved to contract with Belair Road Supply outside of the normal procurement process; Councilmember Combs seconded, no further discussion, motion passed unanimously.

Mr. Wheatley also reported; I have researched purchasing sand from AAA Materials and have found that purchasing 19 tn @ \$20.00 pr tn = \$380.00 plus adding \$44.00 for Delahay to delivery for a total price of \$435.00 per 19 tn. I have started to purchase sand from Insley Construction Company @ \$175.00 per 19 tn. Certified/Delivered saving \$260.00 per load.

Pet Problem – Ms. Miller reported that we are experiencing problems with folks not cleaning up after their pets in the downtown square and the wharf public park and it has become a major issue, especially when we hold events. We do have an ordinance regarding this issue but do find it necessary to post signs and enforce this ordinance along with a fine.

Mayor Norris noted that we have seen this mentioned in blogs about Leonardtown from visitors and need to address this now before it becomes an even bigger issue.

St. Mary's Ryken – Ms. Miller reported that one year ago we had approved the annexation with one stipulation that they were to install a water meter at their expense. They are requesting a six month extension to allow them time to bid out the water meter. They would renew their Performance Bond if the sports complex project continues to move forward they will install the water meter over the summer but if not, they will have it installed in the fall.

Councilmember Roberts moved to approve a six month extension for St. Mary's Ryken to install the new water meter; Councilmember Collier seconded, no further discussion, motion passed unanimously.

Mayor's Report

Mayor Norris reported that he will be attending the upcoming Mayor's Association Conference and the topic of discussion will be the stimulus package. This was recently discussed at a meeting of all Maryland Mayors convened by Congressman Steny Hoyer to talk about identifying shovel ready projects that could be incorporated into the stimulus package. I have asked our staff to identify those projects that meet the shovel ready criteria that we can submit for funding. Our Town is one of the more prepared Towns as our staff already has this information compiled and ready for submission.

Mayor Norris noted that a reporter with the Washington Post has interviewed him and is doing a story on Leonardtown which will be featured in the "Where We Live" section of the Southern Maryland Extra.

Council Reports

Events - Councilmember Burris:

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Tuesday, Feb. 10	9:00 AM	Chamber Tourism Committee meeting @ SM Airport Conference Room
Friday, Feb. 13	8:30 AM	LBA Meeting @ TBA
Thursday, Feb. 26	7:00 PM	Southern Maryland Legislative Reception @ Loew's Annapolis Hotel
Wednesday, Feb. 18	5:30 PM	Chamber Business After Hours @ JT Daugherty Conference Center

Councilmember Burris also noted that there is an open meeting being held on February 10th at the Leonardtown Library to discuss the location for the new library.

Parks – Councilmember Combs:

Councilmember Combs reported that a lot has been accomplished at the Port of Leonardtown. The wires have all been laid underground and we have received some bridge designs for review and we are waiting on some additional funding.

Streets and Roads – Councilmember Wise: No Report

Capital Projects – Councilmember Collier: No Report

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that on Wednesday, February 18 is the next SMMA meeting to be held in Indian Head.

Mayor Norris entertained a motion to adjourn the meeting and for Council to remain for Executive Session to consult with the Town Attorney regarding litigation.

Councilmember Collier moved to adjourn the meeting; Councilmember Roberts seconded the motion, which passed unanimously. The meeting adjourned at 5:40 p.m.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Walter Wise, Vice President

Daniel W. Burris, Councilmember

Thomas R. Collier, Councilmember

Robert C. Combs, Councilmember

Leslie E. Roberts, Councilmember