



Commissioners of Leonardtown

41660 Courthouse Drive
P. O. Box 1, Leonardtown, Maryland 20650

301-475-9791 • FAX 301-475-5350
leonardtown.somd.com

J. HARRY NORRIS
Mayor

LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **April 12, 2010 ~ 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: Rebecca Sothoron, Town Treasurer; DeAnn Adler, Plans Reviewer; Teri Dimsey, Recording Secretary; Jackie Post, Fiscal Clerk; Jay Friess, Enterprise; Mike Mummaugh, Paragon Properties; Roger 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. and called for the recitation of the Pledge of Allegiance.

Mayor Norris stated that there are two public hearings on today's agenda. One at 4:15 pm to hear comments on Ordinance #145 – Revised Comprehensive Land Use Plan and Ordinance #146 – Revised Comprehensive Zoning Map and one at 4:45 pm to hear comments on Ordinance #147 – Adopting the Budget and Setting the Tax Rate for FY 2010.

Mayor Norris proceeded to take up the first item of business.

Approval of Minutes:

The meeting minutes for March 8, 2010 Town Council meeting were presented for approval.

Councilmember Burris moved to approve the March 8, 2010 Town Council meeting minutes; seconded by Councilmember Roberts; no further discussion, motion passed unanimously.

Planning Report – DeAnn Adler

The Planning and Zoning meeting was held on March 15, 2010. Two cases were heard:

Case # 1-10 Van Wert, LLC – 22645 Van Wert Lane – This was a request for BOA recommendation. The applicant wanted clarification of the allowed uses for several parcels on Van Wert Lane. A favorable recommendation passed unanimously.

Case # 12-10 Leonard’s Grant Lot 82 – This was a request for a lot line adjustment. This also received approval by the board.

The upcoming Planning and Zoning meeting is scheduled for Monday, April 19, 2010. We have three cases to be heard:

Case # 64-04.3 & 64.04.5A & 64-04.4 – Leonard’s Grant Phases 3, 4 and 5A – Request for final site plan approval

Case # 75-09 - Mattingley – Gardiner Funeral Home – 41590 Fenwick Street - Request for final site plan approval

Case # 13-10 – 22635 Washington Street – Request for a BOA recommendation for a special exception to build a new single family home in the Commercial Business district.

Mayor Norris inquired into how many building and occupancy permits have been received.

Ms. Adler responded that she did not have that information on hand but would provide that information to the Mayor and Council.

Deputy Report - Deputy Smolarsky

Deputy Smolarsky reported there were no significant issues to report. Accidents have been down in the last several months compared to last year and she has been doing a lot of traffic enforcement along the Route 5 corridor which has helped to slow traffic. She has also been focusing on school bus enforcement too.

Town Administrator Report – Laschelle McKay

Guenther’s Fine Wine and Spirits Liquor License Letter of Support – Please see the letter of request in your packets for a tavern license at the Breton Market Place location. A tavern license is a Class D license that is for a full bar license and can be transferred in the future. Mr. Guenther is in attendance today seeking a letter of support.

Mr. Guenther stated that his store does a wine tasting once a month, which is all they are allowed to do. He provided Council with a petition signed by 112 customers. He noted that there are three wine bars that were in Leonardtown and have closed for business. We are looking to fill that need and become a bistro offering light fare, which would be catered, with a glass or two of wine which requires a Class D license.

Councilmember Roberts commented that neither the Wine Bar nor the Antique Center had a Class D license as they have a Class B license. The concern with this particular Class D license if approved is that the establishment could be changed in the future to a bar.

The Council Members asked a variety of questions concerning the establishment and the sale of liquor. They expressed their concern that this would be the only establishment with a Class D license, which is considered a tavern license. This may also open the door for other establishments to apply for a Class D license. No other establishments in the Town limits hold a Class D license that we are aware of, only a Class B license.

Mr. Guenther provided more details on the type of services he will be providing.

Councilmember Roberts moved not to approve Mr. Guenther's request for a letter of support for a Class D liquor license; seconded by Councilmember Collier. Councilmember Burris abstained from the vote, no further discussion, motion passed.

Mayor Norris entertained a motion to open the Public Hearing that was scheduled for 4:15 p.m.

Councilmember Collier moved to open the Public Hearing, seconded by Councilmember Roberts, motion passed.

Mayor Norris opened the Public Hearing on Ordinance #145 – Revised Comprehensive Land Use Plan. He asked Ms. McKay to proceed.

Ms. McKay stated that we will first address Ordinance #145 and stated that the Comprehensive Update is required every five years by the State of Maryland for both towns and counties. We have a fairly large Comprehensive Plan Committee who worked with a consultant, Mr. Tony Redman, to draft a revised Comprehensive Land Use Plan which was presented to the Council at the February 8, 2010 meeting. The Council then forwarded the plan to the Planning Commission and the State and local agencies for review and comment as dictated by law. The Planning Commission and Town Council participated in a workshop on March 1, 2010 to review the plan. The Planning Commission held a public hearing on March 15, 2010. They did not vote that day as there was a lot to consider; they held a special meeting on March 29, 2010 to vote on the recommendation of the Comprehensive Plan to the Council. The Planning Commission sent a unanimous recommendation to adopt the list of changes to the draft plan as outlined in attachment #1 provided today for Council.

A public hearing is being held today for comments. There are also comments, received by mail, on the table before you today for your review along with comments from the Department of Transportation, Department of Planning and other agencies. There is a letter with comments coming shortly from the County, which will all need to be addressed.

Mayor Norris asked Mr. Redman if he had any comments.

Mr. Redman stated that the committee worked very hard. Many of the comments recently received from the agencies were very positive and many were already addressed and some were of a technical nature.

Ms. McKay noted and read aloud the changes for the discussion which Council has before them in outline form.

Mayor Norris opened the floor up for comments.

Mr. Jim Hanley introduced himself as a committee member and noted that it is a large document but wanted to point out two critical elements. One, they wanted to retain Leonardtown as a small town in both structure and environment. Secondly, it really puts a burden administratively on the Town to ensure what happens especially in light of potential growth and expansion of the Town itself.

Ms. Kathleen Reif, Library Director, was curious as to the source of the statistics in regard to the library. She noted that she referred to the American Library Association statistic that states one square foot per person but the Comprehensive Plan has .25 square feet per household unit. She asked Mr. Redman to clarify.

Mr. Redman responded that the statistical table in the plan covers much more than the water and sewer. All these figures and standards are provided by the Maryland Department of State Planning and I asked them for their source and it was the American Library Association. I would say that the standard looks low but the formulas are never that simple. One of the comments we received from the Maryland Department of Planning is that the entire projection was a realistic one and fell well into the range of what they were anticipating which means that we are consistent with their projections.

Mayor Norris asked if anyone had any comments. There being none, he asked Ms. McKay to move onto Ordinance #146.

Ms. McKay pointed to the easel which showed an enlarged sample zoning map. She stated that the Comprehensive Rezoning follows the Updated Comprehensive Plan to correct areas of the Town's zoning that do not support the vision of the Comprehensive Plan. The Comprehensive Plan committee worked with Mr. Redman to draft a proposed Comprehensive Zoning Map which was presented to the Council during the February 8, 2010 meeting. The Council then forwarded the plan to the Planning Commission. The Planning Commission and Town Council participated in a workshop on March 1, 2010 to review the plan. The Planning Commission held a similar public hearing on March 5, 2010 where, in addition to the three recommended changes

from the committee, there was also a citizen request from Priscilla Wentworth to change a parcel from PUD to RMF. The three parcels recommended from the committee were:

1. Newtowne Village was originally RMF zoning and somehow during the update of the zoning in 2004 it was accidentally changed to RSF.
2. SMECO parcel on Rt. 245, the parcel their building sits on which is zoned CB. Several months ago SMECO came forward for expansion and they requested to change from CB to IO.
3. SMECO would like the five parcels adjacent to their parcel to become part of their site which is currently RSF and change to IO.
4. Priscilla Wentworth parcel located on Fenwick Street is twelve acres currently part of the original Academy Hills PUD. A rezoning request in 2008 was denied and now Ms. Wentworth would like to change to RMF. This request recently went to the Planning Commission on March 8, 2010.

Mayor Norris opened the floor for any comments on the Comprehensive Zoning Map.

Mr. John Weiner remarked that he owns the office building at 41620 Courthouse Drive and is requesting the zoning category be changed from CO to CB. The reasoning is to provide him a broader range for attracting new tenants that can also use it as retail space.

Mayor Norris stated that this request will be taken under consideration.

Mr. Hanley commented on the Wentworth property that his concern is that transferring from a PUD limits the growth of the development of that area and that the Town has much more influence on the type of development. If it is transferred to RMF it becomes much larger and far less control of the development. As a homeowner in Academy Hills, I have some concerns about the impact of this development to our neighborhood.

Mr. Darren Meyer, also a resident of Academy Hills, concurred with Mr. Hanley.

Councilmember Collier remarked that he also agrees with Mr. Hanley and that this parcel should not be rezoned from PUD to RMF. On the CO to CB request I am not in favor of the change to CB; my preference is to keep it as CO. I recommend to Council that we support the three changes but not the fourth change.

Mayor Norris asked Council if they had any further questions.

Councilmember Combs commented that he also agrees with Councilmember Collier on the Wentworth property. The Weiner building has always been CO and I am not in support of retail business in front of the Court House.

Councilmember Burris noted that he does not believe anything has changed since Council last voted on it and is in support of keeping the PUD zoning.

Mayor Norris stated that we will not be able to vote on the two ordinances' today as we need time to review the requested changes brought forward today.

Mr. Wiener responded that many of the surrounding buildings along Courthouse Drive are CB, only the few buildings surrounding his are zoned CO and it should be given serious consideration to zone the block as CB.

Councilmember Roberts remarked that is a big decision for the Council as we are concerned about making this change from CO to CB for all six buildings; we feel though that this would open the door for some big changes in the future if any building owners so choose to do so. This is something we will have to think about and discuss in more detail.

Mr. Redman commented that this particular block is not occupied with typical storefront structures, plate glass windows, display areas, etc. The alternative to be considered is to look at the text with the CO district and see if there is a way to provide some limited elasticity for a very limited floor area to be devoted something akin to a small retail area.

Mayor Norris closed the Public Hearing and reopened the regular April meeting.

Ms. McKay stated that we do need to address the comments from the agencies. This can be tabled until the comments are addressed and schedule a follow up meeting and another public hearing would need to be scheduled.

Ms. McKay reported that we are beyond the original deadline for the Comprehensive Plan to be adopted with the new element. The Department of Planning has given us an extension but we cannot do any rezoning or annexation in the meantime until we have the Comprehensive Plan. So we have to act on the Comprehensive Plan prior to the Comprehensive Re-Zoning.

Ms. McKay stated that Council's packets contain comments from the State agencies. We are waiting for the letter from the County with their comments and we received the Dept. of Transportation comments today.

Councilmember Roberts noted that she was probably the most reluctant to vote on the Comprehensive Plan after seeing the list of comments received but after Mr. Redman looked at them and indicated that the one or two were substantive or in the water plan, I am now willing to go ahead and vote today but would hold off on voting on the rezoning map to give more consideration to Mr. Wiener's request.

Ms. McKay stated that it would have to be brought back with the additions and addressing the comments.

Mayor Norris stated that we will need to schedule a meeting as soon as possible to address the comments. He deferred to Mr. Redman, his time and staffs' time, as we would need to meet and make a decision on the Comprehensive Plan and the Zoning Map.

Mayor Norris asked for meeting dates and it was determined to meet on Thursday, April 22, 2010 at 4:00 p.m.

Councilmember Collier moved to close the regular meeting; Councilmember Burris seconded, no further discussion, motion passed.

Mayor Norris stated there will be a five minute break and then he will open the Public Hearing on the Budget.

Mayor Norris opened the 4:45 pm Public Hearing on Ordinance #147 - Adopting the Budget and Setting the Tax Rate for FY 2010.

Mayor Norris asked the treasurer, Rebecca Sothoron to provide Council with the information.

Ms. Sothoron reported that the Public Hearing for the Budget was advertised in all three local newspapers and posted on our website as required by our Charter. The recommended budget was available to the public on March 24, 2010. Hard copies of the budget have been available in the Town office, as well as posted on the website. We have not received any public comments on the recommended budget. Ordinance #147 was introduced at the March 8, 2010 Town Council meeting. Council held a budget workshop on March 11, 2010 and recommended that the tax rate be set at .1257 per \$100 of assessed value which is the constant yield tax rate. There were only one or two individuals who picked up a copy of the budget but it was also available on the website.

Mayor Norris opened the floor for any comments or questions.

Mayor Norris stated that there being no questions, he entertained a motion to close the Public Hearing.

Councilmember Collier moved to close the Public Hearing and re-open the regular meeting; Councilmember Burris seconded; no further discussion, motion passed unanimously.

Mayor Norris asked Council if they had any questions or comments.

Councilmember Roberts stated that going to the constant yield is fiscally irresponsible at this time. During the workshop, Mr. Collier called me to task for perhaps not feeling the economic pain of some of our residents. I did want to say that my step-daughter was laid off not once but twice in 2009 and the \$30 that I would save from this tax motion on my \$300,000 home would have put gas in her car for one week. It certainly would not have made her apartment rent and helped her move out of her apartment and not have even paid for her storage unit which is \$30 a month. Mr. Collier also talked about the negligible aspects of the budget. I happen to feel very strongly about those aspects because I think that what makes Leonardtown a place for people to want to live and move into too. I think music on the square and the events are things that help people make decisions whether they are going to purchase a Quality Built home in Hollywood or one in Leonardtown. I do not think the \$40 difference that they might pay in taxes is going to make or break that decision for them. Mr. Burris spoke about needing to go to constant yield to keep businesses in Town. I said that very few, if any, of the businesses which left Town actually owned their building. Mr. Burris' answer to me was that the owner's are affected by the tax. If your building is taxed at one million dollars, you would save approximately \$100. I doubt if any of those building owners would go to their tenant and say I will give you a \$100 break on your rent this year or that those particular businesses, if they were failing, would be kept alive by that \$100 tax break. One of the Mayor's comments is that we needed to make a statement and I believe we are making the wrong statement. I think we are making the wrong statement for our staff. I think it is one thing to tell them we do not have money to give a cost of living raise if we are basing it on the county as they are not getting a raise either. But if we are saying you cannot have a cost of living raise but we have plenty of money to cut our tax rate I do not think that is the right statement to make. I do not believe it is the right statement to make to the county. They do give us a tax differential over top of things that we save them money on because we take care of that. For instance, we do our own planning and zoning, which is an agreement between the county and the town, it is not a law and when I go to meetings with them and they say you guys have plenty of money you can cut your tax rate, I do not think that shows well on us. I do not think that for all the money that the county has put into Leonardtown in the past six years that this is a direction I am comfortable with. I also think it is the wrong statement for our delegation. MML lobbied during the entire session frantically trying to get back our road money and what are our delegates supposed to say "Leonardtown lost \$93,000 in road money yet they have enough money to cut their tax rate". I think that is altogether the wrong statement to make. Our treasurer, Ms. Sothoron, keeps our reserve fund at 50% which is not set in stone but will now go down to 37% and feels this is an emergency situation. Is this something we will be able to pick back up next year or will we need to dip into the reserve fund again next year.

Ms. Sothoron responded that she anticipates that next year we will be able stay at 37% or 38%.

Councilmember Roberts stated that the Mayor and Council Members know that I am not in favor of the constant yield at this point.

Mayor Norris stated that he respects Councilmember's Roberts opinion and it is something everyone has given a great amount of thought to. I certainly do not think that the Town has plenty of money. The Leonardtown government is a different entity from other governments. Our decision should be based on where we are and where we stand and what we can afford and not afford. We are cutting the tax rate but the bigger issue is that we are not raising taxes. We

have had good fortune to grow unlike many others. Because of that growth and additional tax revenue we are able to not raise taxes. This Town can operate and maintain our government with the services our residents expect and we can do it without raising our taxes.

Councilmember Collier stated that he feels strongly that this is not the time to raise taxes and I do not agree with Councilmember Roberts's comment how irrelevant \$30 is to somebody. I have read in the paper and people have come up to tell me how high taxes are and they need to be held or decreased.

Councilmember Burris remarked that he appreciated Councilmember Robert's thoughts. In regard to the constant yield, it is just that, the yield remains constant to the income to the Town. But for the county it means a six million dollar difference, for the Town, it is more like thirty-thousand dollar difference. We will make that up with just the growth we will see next year within a few thousand dollars.

Mayor Norris entertained a motion on Ordinance #147.

Councilmember Collier moved to approve Ordinance #147 – Adopting the Budget and Setting the Tax Rate for FY 2010; seconded by Councilmember Combs, no further discussion, one nay and three ayes, motion passed.

Treasurer's Report – Ms. Sothoron

Ms. Sothoron reported that the March financial information was included in Council's packet. A transfer of \$75,000 was made to the checking account during the month of March. We are 75% through the budget year.

Ms. Sothoron stated that there are several budget amendments on the agenda today for Council's approval. These amendments address expenses or revenues that we have talked about once or more in previous Council meetings. The reason for delaying them was to be able to make good estimates as to where the expenses and revenues were going to be for the year. Ms. Sothoron addressed each budget amendment with an explanation.

Councilmember Collier moved to approve Budget Amendments 01-10, 02-10, 03-10, 04-10 and 05-10; seconded by Councilmember Burris, no further discussion, motion passed unanimously.

Leonardtwn Grille Liquor License Letter of Support – Ms. McKay read the letter of request from Wayne Davis for a letter of support for a Class B (restaurant license) in the Old Do Dah Deli location. Mr. Hicks will be the new owner and is applying to obtain a liquor license for the new restaurant. Mr. Hicks has owned and operated a number of previous restaurants in Southern Maryland.

Council Members did have some questions regarding the type of restaurant and services.

Mayor Norris remarked that Mr. Davis had planned to attend today's meeting but apparently did not make it. He would have preferred to have had the owner or Mr. Davis in attendance to answer any questions. The liquor license request is for a Class B license, the same that Do Dah Deli held.

Councilmember Roberts moved to approve a letter of support for a Class B liquor license, seconded by Councilmember Collier, no further discussion, motion passed unanimously.

Winery Patio Bid Award – The winery patio was publicly bid and one bid was received from Stepping Stone who has done a lot of work for the town previously. The bid was for \$13,310. Staff recommends awarding the bid to Stepping Stone. Ms. McKay explained that the funds to be used for the patio may be subject to cuts and we may not be guaranteed to receive this grant but that has not yet been determined by the agency. I would ask that you consider awarding the bid contingent upon getting final approval of the funds, so there is still a hope to get the work done instead of waiting until the May meeting in time for the Winery opening on May 7th.

Councilmember Burriss moved to approve awarding the bid to Stepping Stone subject to the availability of funds from the State; Councilmember Combs seconded, no further discussion motion passed unanimously.

Stormwater Management Ordinance Update – The stormwater management legislation saga has continued up until late April 7, 2010. The Legislature finally passed an emergency fix for some of the issues in the new law. MML worked very hard to push for these changes and were finally successful. I will be pursuing rewriting our draft ordinance over the next few weeks. MML had suggested holding off on adopting regulations until the Legislature made a decision to avoid having to come back and revise later.

Floating Kayak Ramp – The ramp has been installed. See attached picture for those who have not seen it.

Mayor Norris stated that he has received some comments and they are working on cleaning up the entrance to Town along Rt. 5.

Council Reports

Events - Councilmember Burris:

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Saturday, April 17	9:00 AM	15 th Run & Fun Walk for Hospice @ Governmental Center
Sunday, April 8	12:30 AM – 4:00 PM	Earth Day Celebration on the Square
Sunday, April 25	8:00 AM – 5:00 PM	Spring Fling XXV Classic Car Show on the Square (Rain date: May 3)
Thursday, April 29 thru Sat, May 2	5:00 PM – 11:00 PM 10:00 AM – 11:00 PM	So. Md. 17 th Annual Spring Festival County Fairgrounds
Saturday, May 1	9:00 AM	March of Dimes Walk through downtown Leonardtown
Tuesday, May 4	12:00 PM – 7:00 PM	Election Day Town of Leonardtown
Friday, May 7	5:00 PM	First Friday and soft opening of Port of Leonardtown Winery just for FF
Wednesday, May 12	11:30 AM	St. Mary's Chamber of Commerce Business Showcase
Sunday, May 16	8:00 AM - 4:00 PM	Leonardtown Criterium Bicycle Race on the streets of downtown Leonardtown
Friday, May 21	2:00 PM	Port of Leonardtown Winery Opening
Saturday, May 22 thru August		Downtown Tunes 4 th Saturdays – May thru August

Parks – Councilmember Combs:

No Report

Streets and Roads – Councilmember Wise:

No Report

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that May 5, 2010 is the next SMMA dinner hosted by the Town of Indian Head and they will be choosing new officers.

Capital Projects – Councilmember Collier:

No Report

Mayor Norris entertained a motion to adjourn the meeting.

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

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Absent

Walter Wise, Vice President

Daniel W. Burris, Councilmember

Thomas R. Collier, Councilmember

Robert C. Combs, Councilmember

Leslie E. Roberts, Councilmember