



Commissioners of Leonardtown

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J. HARRY NORRIS III
Mayor

LASCHELLE E. McKAY
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **February 14, 2011 ~ 4:00 P.M.**

Attendees: J. Harry Norris, Mayor
Daniel W. Burris, Councilmember
Thomas R. Collier, Councilmember
Roger L. Mattingly, Councilmember
Leslie E. Roberts, Councilmember

Absent: Walter Wise, Vice President

Also in attendance were: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; DeAnn Adler, Plans Reviewer; Teri Dimsey, Recording Secretary; Jay Friess, The Enterprise; Guy Leonard, The County Times. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Norris called the regularly scheduled meeting to order at 4:03 p.m. and called for 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, 2011 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to accept the minutes as presented.

Councilmember Collier moved to approve the January 12, 2011 Town Council meeting minutes; seconded by Councilmember Burris; no further discussion, the motion passed unanimously.

Mayor Norris stated that Ms. Kit Pilkerton was present for an award presentation but, we would move on to the Treasurer's report until Mr. Wayne Miedzinski arrived.

Treasurer's Report – Ms. Sothoron

Ms. Sothoron reported that we are 58% through the budget year. During the month, \$245,000 was transferred from the MLGIP to cover Operating Expenses. During January four accounts were submitted to the County Treasurer for Tax Sale. One account has been paid and there are three remaining. The Tax Rebate request has been submitted to the County to incorporate in their budget process. The request was for \$68,144, which is an increase of about \$1,500 from last year. The County was billed for the Tax Year New Construction Tax Levy. There were 35 accounts, for a

total of \$7,300. This is the largest half-year new construction levy ever. We are also waiting for the State Department of Assessments triennial evaluation update. This is the document that determines the Town's constant yield tax. We expect the next quarterly income tax distribution to be at the end of February. The 2012 Budget Calendar is before you today for review and Council's approval. The most important date is April 8th when all the departmental and Council budget requests are due.

Council gave consensus to the Fiscal Year 2012 Budget Calendar.

Planning Report – DeAnn Adler

Last month our Planning and Zoning meeting was held on January 18, 2011 and one case was heard:

Case # 83-10 41685 & 41695 Courthouse Drive - Tax Map 133, Parcel 367, Lots 1 & 2 – Request for final plat approval for Mr. Beck's recently rezoned and subdivided property on Courthouse Drive. This request was approved.

This month our meeting scheduled for Feb. 22, 2011 was canceled as there were no cases to be heard.

Case # 3-11 22530 Washington Street - Request for EDU allocation

Applicant: RAR Associates Development Corporation

Engineer: DH Steffens Co.

Zoning: C-M

DH Steffens Co. has submitted a request to subdivide an existing Commercial – Marine zoned lot owned by Mr. Russo located at the bottom of the hill on Washington Street (next to Jean Moulds' home). There are no minimum lot sizes or dimensions required in a C-M zoning (it is treated like PUD zoning), but the two lots do have over 10,000 s.f each. Lot 1 has 10,022 s.f and Lot 2 has 16,978 s.f. Mr. Russo plans to construct a single story office building on Lot 2. The dimensions for this building are shown on the plan enclosed, although this is only conceptual. Today's action will be to decide if this meets the priority test of Ordinance No. 132 for an additional EDU allocation.

Ms. McKay noted that Mike Bailey with D.H. Steffens is present today to answer any questions.

Councilmember Burris confirmed that this project does meet the necessary requirements for Ordinance #132 as infill project.

Ms. McKay responded yes. They are asking for a subdivision. Nothing has come forward yet, but it appears to be a one story building and we are recommending one EDU at this time due to the uncertainty of the project. When they bring the project forward, then we can ascertain the size of the building and if it is office space, one EDU should be sufficient.

Councilmember Collier inquired how this affected the available, already allocated EDUs?

Ms. Sothoron responded that we currently have approximately 80 EDUs.

Councilmember Collier asked if the library was included in that number. He stressed caution in allocating EDUs and making sure we allocate them to priority projects that are important to the public, such as a library and a potential new school.

Ms. McKay stated that no library project is moving forward at this moment so there is no allocation.

Mayor Norris agreed with Councilmember Collier, but noted that these projects are like a moving target at this point. The library is a very small issue as far as EDUs go, but the jail expansion is a much larger issue, which we are working on now. There are a whole lot of things in the air as far as our wastewater plant's capability in regards to land application that still need to be addressed. This project has been presented as an infill project that does meet the criteria.

Ms. McKay noted that we are diligent in making sure that projects that meet the infill/redevelopment criteria are the ones that move forward.

Ms. Sothoron stated that technically, the EDU allocation does not show up until we receive a building permit, but for informational purposes we do begin tracking the allocation and it is reported to the Health Department.

Ms. McKay remarked that only one EDU is being allocated for this project until it comes forward.

Mr. Bailey stated that he was contracted to do the subdivision and he simply met the regulations for the site plan to reflect the building they are proposing.

Ms. McKay commented that the project will need to come before Town Council to approve that it meets the ordinance criteria. It will then move to the next process of requirements to come before the Planning and Zoning Commission.

Councilmember Collier asked what the double lines indicated on the site plan.

Mr. Bailey responded that the double lines denote the building and a covered porch for the front.

Councilmember Roberts moved on Case # 3-11 22530 Washington Street - Request for EDU allocation to subdivide an existing Commercial Marine Zoned Lot does meet our Ordinance #132 requirements as Infill within the Redevelopment and one EDU will be allocated, only until the project comes forward and, its' use, along with the building size is determined; Councilmember Mattingly seconded; no further discussion, motion passed; four ayes and one nay from Councilmember Collier.

Award Presentation

Mayor Norris stated that it appears that Mr. Miedzinski was unable to be present and invited Ms. Pilkerton to come forward and receive her award.

Mayor Norris remarked that during the recent installation of officers for the Fire Department and the Auxiliary, he was unable to present these awards. He stated that we wanted to personally show

our appreciation to her and Mr. Miedzinski, as outgoing Presidents, for their many years of service to the Town and community.

Mayor Norris asked Councilmember Mattingly if he would present the award to Mr. Miedzinski that evening at the fire house.

Deputy Report – Laschelle McKay

Ms. McKay reported that Deputy Smolarsky did not have a report this month. She is still on light duty but is progressively getting better and hopes to be on full duty soon.

Councilmember Roberts remarked that she was going to mention to the Deputy that during her walks she hears what sounds like dirt bikes running on the Tudor Hall farm property and she is concerned they could be riding around damaging the property.

Mayor Norris commented that he was not aware of that but would have Tony do some investigating to confirm.

Town Administrator Report – Laschelle McKay

Extension of Lease at 41660 Courthouse Drive, Suite 101 – The original 5 year lease for the Proffitt Building condo on the first floor is expiring on June 30, 2011. Council Building, LLC has provided an addendum for a 5 year extension of the lease with an escalation clause tied to the CPI with a maximum 3% increase per year. Action is needed to authorize Mayor Norris to renew the lease.

Councilmember Mattingly asked if we planned to be here another five years.

Mayor Norris stated that he was not concerned about being obligated for five years.

Ms. McKay remarked that the lease was written as a year-to-year lease up to a 5 year extension.

Councilmember Roberts moved to authorize Mayor Norris to sign the Lease Extension for the rental of the first floor; seconded by Councilmember Collier, no further discussion, the motion passed unanimously.

Engineering Proposal from GHD for ENR Evaluation – Per the meeting with GHD in December regarding ramping back up the ENR/Expansion of the WWTP, Jeff Studevart has put together a proposal and a schedule. The August 2008 MDE letter required us to restart the engineering activities June of 2010 with construction beginning November 2011. We were contacted by MDE recently to find out if we are on track with this schedule. The proposal from GHD is for \$82,400 and that would get us back to the table in late spring. We are proposing looking at options for a partial expansion and the ENR upgrade. Mr. Studevart will do some preliminary leg work and meet with MDE and then propose some options during a Town Council workshop in the next couple of months. Action is needed today to authorize the Professional Engineering Services Proposal from GHD in the amount of \$82,400 to begin immediately.

Councilmember Mattingly inquired if we have the funds for this project.

Ms. Sothoron responded that this is part of the expansion. We do have an application for funding in to MDE and we do not know how much of this will be funded.

Ms. McKay remarked that we will have to negotiate the portion that the State will pay. They say the funding is still there for the ENR upgrade but they will not cover the portion for the expansion. Mayor Norris stated this ENR upgrade very possibly will free up some capacity. But, other Towns have run into the fact that the State has looked at it as expansion and not paid for it. There is a lot involved with this whole process that we do not have any specific answers to.

Councilmember Collier moved to authorize GHD to proceed as proposed; seconded by Councilmember Roberts, no further discussion, the motion passed unanimously.

Mayor's Report

Mayor Norris reported that the LBA hosted a State of the Town breakfast. Council Members Roberts and Wise were unable to attend. Council Members Burriss, Mattingly and Collier were present. It was an impressive event with over 70 people in attendance. We provided an overview of the Town's long term planning. Councilmember Burriss highlighted the events and on-going projects. Ms. McKay went over the day-to-day operations of the Town. Mayor Norris thanked the staff for all of their hard work and efforts.

Councilmember Mattingly noted that he too learned some new information he hadn't known and felt the meeting was very beneficial and informative.

Mayor Norris stated that there was discussion generated about getting this information out and many felt that meeting with the various HOA's would be a great opportunity.

Councilmember Burriss commented that the presentation is available for viewing on the LBA website at www.thelba.org.

Mayor Norris reported that he also attended the Maryland Mayor's Association in Annapolis this past Thursday. It was distressing to learn that municipalities across the board have lost 82% of their State revenues. In 2010, 41 municipalities were forced to raise their property taxes. MML is working very hard to lobby the State for the municipalities.

Council Reports

Events - Councilmember Mattingly

Councilmember Mattingly welcomed Linda Shepherd back as Events Coordinator. He went on to report on the upcoming events:

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Wednesday, Feb. 23	5:30 PM	Chamber Business After Hours @ Hilton Garden Inn, Solomons
Thursday, Feb. 24	7:00 PM	So. Md. Legislative Reception @ Loew's Annapolis Hotel
Monday, Feb. 28	8:00 AM	2011 Legislative Breakfast @ Lenny's Restaurant
Friday, March 4	8:30 AM	LBA Meeting@ TBA

Friday, March 4

First Friday in Leonardtown

Economic Development – Councilmember Burris

Councilmember Burris reported that the Leonardtown’s Arts Center should be opening soon. We have artists ready to set up their studios. We are working with three potential retail-oriented new businesses who are exploring opening in Leonardtown.

Streets and Roads – Councilmember Wise - No Report

Councilmember Roberts noted that we are about 75% through our snow removal budget.

Capital Projects – Councilmember Collier - No Report

MML/SMMA – Councilmember Roberts

Councilmember Roberts reported that the next SMMA meeting will be held on March 2nd hosted by the Town of North Beach in their newly built Town Hall.

Mayor Norris entertained a motion to adjourn.

Councilmember Collier moved to adjourn the meeting at 4:40 p.m.; Councilmember Burris 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

Roger L. Mattingly, Councilmember

Leslie E. Roberts, Councilmember