



# Commissioners of Leonardtown

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J. HARRY NORRIS III  
Mayor

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Town Administrator

## **Commissioners of Leonardtown** **Town Council Meeting Minutes** **May 9, 2011 ~ 4:00 P.M.**

Attendees: J. Harry Norris, Mayor  
Walter Wise, Vice President  
Daniel W. Burris, Councilmember  
Roger L. Mattingly, Councilmember  
Leslie E. Roberts, Councilmember

Absent: Thomas R. Collier, Councilmember

Also in attendance were: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Teri Dimsey, Recording Secretary; Dick Myers, The Bay Net; Jay Friess, The Enterprise; Guy Leonard, County Times; Joseph Mitchell, Leonardtown Property Owner; Mike Mummaugh, Paragon Properties; Judy Atkins, Resident; John Weiner, Leonardtown Property Owner; John Parlett, Workforce Housing; Laura Boonchaisri, St. Mary's DECD; Billy Mehaffey, Mehaffey & Associates; Bill Higgs, LSR; and Thomas McKay. 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. 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 April 11, 2011 Town Council meeting were presented for approval.

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

**Councilmember Mattingly moved to approve the April 11, 2011 Town Council meeting minutes; seconded by Councilmember Roberts; no further discussion, the motion passed unanimously.**

**Treasurer's Report** – Ms. Sothoron

Ms. Sothoron reported that \$60,000 was transferred to the operating account for expenses. An additional \$200,000 deposit was made to the CDARS Program. We are 82% through the budget year. The third quarter income tax is expected at the end of May.

Ms. Sothoron stated that today, she is introducing Budget Ordinance #153 as required by the Charter for the required waiting period before adoption in June. The draft budget will be distributed by the Mayor and it does keep the tax rate the same. She noted that the first budget workshop is scheduled for Tuesday, May 17<sup>th</sup> at 4:00 p.m.

**Planning Report** – DeAnn Adler

Ms. Adler reported that last month's Planning & Zoning meeting was held on April 18, 2011. A public hearing was held at that time regarding the changes to the zoning ordinance. Presented for public review and comment were the comprehensive changes to the Leonardtown Zoning Ordinance, the Sign Ordinance, and changes to Chapter 112 and 147 of the Leonardtown Code. Several comments received from the public were passed along to this board for your consideration today during the public hearing.

The next Planning & Zoning meeting will be held on Monday, May 16, 2011.

Ms. Adler reported that later today Council will be discussing the proposed revisions to the Planning and Zoning fees. She inquired if Council would like her to set up a meeting to get a recommendation from the P & Z Board so that a resolution could be passed on those revised zoning fees.

***Section 155-127 Filing Fees*** - The Town Commissioners shall establish by resolution a schedule of fees, charges and expenses and a collection procedure for occupancy permits, building permits and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Planning and Zoning Commission and may be altered or amended only by the Town Commissioners after referral to the Commission.

Councilmember Roberts noted she would like Ms. Adler to move forward on that suggestion.

Mayor Norris asked Council if they were all in agreement to this suggestion.

**Council Members gave a consensus for Ms. Adler to proceed.**

Mayor Norris stated that Ms. Adler has done an excellent job in researching and compiling this information. It clearly shows the differences between the three counties, St. Mary's, Charles and Calvert, some of which are fairly comparable or extreme.

**Deputy Report** – Laschelle McKay

Ms. McKay reported that Deputy Smolarsky is still undergoing therapy and continues to be on light desk duty. She hopes, with her doctor's consent, to return to full duty on June 1<sup>st</sup>.

## **Town Administrator Report** – Laschelle McKay

**Woodlawn Lawn Care** - A final one year extension is available on the lawn care contract. Woodlawn has agreed to hold his bid prices once again with no increase. The only change in the contract has been the addition of new projects for upkeep such as the Wharf, the streetscape and Port of Leonardtown. For budget purposes, Mr. Wood sits down with us each year and projects the level of maintenance needed for any new additions. The original contract was rebid in 2007 for a three year term with two one-year extensions. The recommendation is to renew the contract for the final extension year. Woodlawn Lawn Care does countless extras at no charge each year and takes great pride in maintaining the town assets.

**Councilmember Mattingly moved to approve the final one-year extension on the Woodlawn Lawn Care contract; seconded by Councilmember Wise; no further discussion, the motion passed unanimously.**

**Consultant Recommendation for Wharf Slips/BIG Grant-** At the last workshop Mr. Beckwith presented his recommendations for developing the slips at the Wharf. Action is needed to notify DNR of our decision. They have been patiently holding the grant for a number of years and we only have until June to either complete design or give up the grant. The grant was a \$100,000 Federal Grant from the Boating Infrastructure Grant Program. The funds can only be used for infrastructure accommodating at least 26 foot boats. The local match was to be at least \$33,335 (25%) for at least 12 transient boat slips.

**Councilmember Wise moved to not move forward on the transient boat slips at this time; seconded by Councilmember Burris.**

*Councilmember Burris remarked that the boats that do come into the Wharf now are mainly larger boats that anchor out and dinghy in and the smaller boats do have about a dozen or so cleats to tie up to. He didn't see any need to move forward until a definite development plan has been established for the Wharf.*

**Mayor Norris asked if there was any further discussion, there being none, the motion passed unanimously.**

Mayor Norris noted that we recognize the need to eventually install a transient dock at the Wharf, but at the time we received this grant it was thought that some economic development opportunities, specifically a restaurant and some small retail shops, would be built. Presently, those types of projects are not forthcoming.

**Proposed Public Park Rules and Regulations** - The original park rules and regulations that were prepared by staff a couple of years ago have been updated. These rules can be adopted or changed and brought back at another meeting. We would also propose a \$150 fee for events held in the square that are not hosted by the LBA or the Town. We would adjust the guidelines for the square accordingly.

Councilmember Roberts commented that this was a lot of work to put together and thanked both Ms. Adler and Ms. McKay for their efforts.

Mayor Norris remarked that staff worked with Mr. Arthur Shepherd, Director of Parks and Recreation for St. Mary's County. He was extremely helpful in sharing his knowledge and expertise with Ms. Adler and Ms. McKay to help them design the forms and write up the rules and regulations as presented today.

**Councilmember Roberts moved to approve the Public Park Usage Rules and Regulations; seconded by Councilmember Mattingly; no further discussion, motion passed unanimously.**

Mayor Norris entertained a motion to close the regular meeting.

**Councilmember Roberts moved to close the regular meeting; Councilmember Mattingly seconded, no further discussion, motion passed unanimously.**

Mayor Norris opened the Public Hearing and instructed Ms. McKay to present the information.

Ms. McKay proceeded and reported:

**Adoption of Ordinance No. 149,150,151 and 152** - These ordinances were introduced at the March 14, 2011 meeting and then referred to the Planning and Zoning Commission who held a public hearing on April 18, 2011. The Planning and Zoning draft minutes are included so that you can see the discussion that took place. The Planning Commission sent a favorable recommendation for all the amendments except the down zoning of Residential Multi Family from 10 to 8 units per acre. The only correspondence received was from Mike Mummaugh regarding the same issue. His letter is included. Action is needed on these four ordinances:

Ordinance No. 149 is for the amendment to Revised Chapter 155 - Zoning Ordinance

Ordinance No. 150 is for the amendment to Chapter 155 - Sign Regulations

Ordinance No. 151 is for the amendment to Chapter 122 – Property Maintenance

Ordinance No. 152 is for the amendment to Chapter 147 – Vehicles, Removal and Storage of

Mayor Norris opened the meeting up to the floor and asked that they state their name and address before proceeding.

Mr. John Parlett remarked that he is here today representing the Workforce Housing Task Force in St. Mary's County. He would like Council to reconsider reducing the density in the Multi-Family Zone especially during the current economic times. The task force is looking for ways to increase density on properties in development areas to find innovative ways to increase the possibility of additional housing being built as long as a portion of it is being reserved for the purposes of workforce housing. "We encourage you to not reduce the allowable density from 10 units per acre to 8 units per acres given the fact that workforce housing is in such high demand in our community."

Mr. Parlett noted that the task force would very much like to come back and provide a detailed presentation on the Workforce Housing Task Force and the things they are trying to do within the County.

Mayor Norris thanked Mr. Parlett and remarked that he would like to take him up on the offer of a presentation and will be touch to set up a date.

Mr. Joe Mitchell introduced himself as an attorney who practices law in Leonardtown and also has previously served as Director of Economic Development for St. Mary's County. He noted that this Council and predecessors has take significant actions over the past years, such as supporting the Court House, installing streetscape, the Wharf improvements and working with local builders to develop the Town. You all need to be commended for your actions, but I am fearful that in trying to reduce the density that you might be sending a signal out that could affect future development. My recommendation would be that you defer any action on the density part of this until you have a workshop specifically addressing the density and types of housing the Town might be interested in. I do echo Mr. Partlett's suggestions of a presentation or work session to discuss the specifics of workforce housing. We have learned over the years that the County as our neighbor has over 22,000 jobs in Lexington Park and most of those people commute to Lexington Park. The Town has an opportunity to develop some small industry to try to attract some light industry and some high tech start-up companies and in order to do that you have to have workforce housing. Mr. Mitchell provided some statistics to substantiate the need for workforce housing in Leonardtown.

Mayor Norris thanked both Mr. Parlett and Mr. Mitchell for their comments.

Mr. John Weiner stated his name and address for the record and remarked that he is the owner of an office building along Courthouse Drive. He referenced a proposed change in the zoning ordinance which would allow up to 25% of the space in Commercial office zoning to be used for retail as a special exception. The procedures involved seem to be too lengthy and costly to attract new tenants.

Councilmember Burriss inquired about the special exception process.

Ms. McKay explained that it is approved by the Board of Appeals after first going before the Planning and Zoning Commission for a recommendation. Advertising is approximately 21 days in advance of the Board of Appeals, which means it could take approximately 90 days.

Mr. Weiner stated that he would prefer that it not be considered a special exception, as many interested tenants do not want to wait 60 or 90 days to open up their business.

Councilmember Roberts remarked that the rules could be the same but we could speed up the process by having it as a permitted use and not a special exception.

**Councilmember Mattingly moved to close the Public Hearing; seconded by Councilmember Roberts; motion passed unanimously.**

Mayor Norris re-opened the regular May meeting.

**Councilmember Burriss moved to adopt Ordinance No. 149 regarding Chapter 155 Zoning Text Amendments as presented with the following changes; that the density for Residential Multi-Family remain at 10 units per acre and that on Commercial Office we change retail to a permitted use with the same guidelines and not make it a special exception; seconded by Councilmember Roberts; no further discussion, motion passed unanimously.**

Ms. McKay noted that this does not go into effect until 20 days after changes have been made and the document is signed.

**Councilmember Burriss moved to adopt Ordinances 150, 151 and 152 as presented; seconded by Councilmember Wise, no further discussion, motion passed unanimously.**

### **Mayor's Report**

Mayor Norris reported that as a member of the Lion's Club, he was appointed Chairman of White Cane Week which was started in 1930 and he, along with other members will be outside of McKay's, True Value and the Post Office on May 20<sup>th</sup> and 21<sup>st</sup> and the donations go towards the National Federation of the Blind.

### **Council Reports**

#### **Events - Councilmember Mattingly**

Councilmember Mattingly reported that the Classic Car Show was a huge success and asked Mr. Higgs to step forward to tell everyone about it.

Mr. Higgs remarked that they had the most cars they have ever had with a total of 315 cars. Hospice collected over \$2,400 in donations and after tallying up the proceeds the Club will donate additional funds. He thanked Linda Shepherd for all her efforts and commented that the event went smoothly, even more smoothly than in the past.

Mr. Higgs also mentioned that the Leonardtown Rotary Club is planning to host a new game at Beach Party this year entitled "Running of the Balls" which entails a track set up to release golf balls all at one time. There will be prizes awarded and money collected will be used towards local charities.

#### **Upcoming Events of Interest/Meeting Reminders:**

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Meeting</u></b>
Week of May 7-15		St. Mary's County Tourism Week
Tuesday, May 10	9:15 AM	Proclamation of Tourism Week @ County Commissioners Meeting - Chesapeake Building
Wednesday, May 11	11:30 AM 1:30 PM-6:30 PM	Chamber of Commerce Business Awards Luncheon & Business Showcase @ So. MD Higher Education Center

**Upcoming Events of Interest/Meeting Reminders:**

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Meeting</u></b>
Sunday, May 15	8 AM-4 PM	Leonardtown Bicycle Criterium Races
Tuesday, May 17	11:30 AM	Law Enforcement Appreciation Day @ Leonard Hall Recreation Center
Sunday, May 22	10 AM	Cystic Fibrosis Walk
Wednesday, May 25	5:30 PM	Chamber Business After Hours @ SMC Historical Society
Saturday, May 28	6 PM	Downtown Tunes “ <i>Country Memories</i> ”
Friday, June 3	5-8 PM	First Friday in Leonardtown
Sunday, June 12	11 AM-5 PM	SMC Crab Festival @ St. Mary’s County Fairgrounds
Tuesday, June 14	6:00 PM	Flag Day Celebration on lawns of the Governmental Center complex

**Economic Development – Councilmember Burris**

Councilmember Burris referred to Mr. Higgs regarding the Rotary Club’s “Running of the Balls” game at Beach Party.

**Streets and Roads – Councilmember Wise - No Report**

Councilmember Wise reported he is waiting to hear back from some contractors on some minor road repairs.

**Capital Projects – Councilmember Collier**

**MML/SMMA – Councilmember Robert**

Councilmember Roberts reported that the next SMMA meeting will be held on Wednesday, May 18, 2011 at 6:00 p.m. in North Beach. Leonardtown is next in line to run the SMMA meeting and she will once again be President, Roger Mattingly has agreed to serve as Vice President and Ms. Teri Dimsey as Secretary. We will also be hosting the Legislative dinner in December and the MML Convention is coming up in June.

Councilmember Mattingly congratulated Councilmember Roberts on being nominated as President for SMMA this year.

**Mayor Norris entertained a motion to adjourn to Executive Session regarding Personnel. He also noted that a draft Budget has been prepared and will be distributed to Council.**

**Councilmember Mattingly moved to adjourn the meeting at 4:50 p.m.; Councilmember Roberts seconded the motion, which passed unanimously.**

Respectfully Submitted:

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Teri Dimsey, Recording Secretary

**Approved:**

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J. Harry Norris, III, Mayor

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Walter Wise, Vice President

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Daniel W. Burris, Councilmember

Absent

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Thomas R. Collier, Councilmember

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Roger L. Mattingly, Councilmember

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Leslie E. Roberts, Councilmember