



# Commissioners of Leonardtown

---

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

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

DANIEL W. BURRIS  
*Mayor*

LASCHELLE E. MCKAY  
*Town Administrator*

## **Commissioners of Leonardtown** **Town Council Meeting Minutes** **July 13, 2015**

Attendees: Daniel W. Burris, Mayor  
Leslie Roberts, Vice President  
Thomas M. Combs, Councilmember  
Hayden T. Hammett, Councilmember  
J. Maguire Mattingly IV, Councilmember  
Roger L. Mattingly, Councilmember

Also in attendance were: Teri Dimsey, Secretary; Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Cindy Williams, Planning Assistant; Laura Grace, Citizen; and Kevin Grace, College Student. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Burris asked that Councilmember Hammett lead the invocation and Ms. Dimsey lead the Pledge of Allegiance.

Mayor Burris acknowledged the Boy Scout in the audience, Kevin Grace.

Kevin remarked that he attends University of Maryland Baltimore Campus and is working on a school project.

Mayor Burris stated that we do have a Public Hearing scheduled for 4:15 p.m. today and moved on to the first order of business.

### **Approval of Minutes**

Meeting minutes for the June 9, 2015 Town Council meeting were presented for approval.

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

**Councilmember Roger Mattingly moved to approve the May 11, 2015 minutes as presented; seconded by Councilmember Tom Combs; motion passed unanimously.**

### **Treasurer's Report** – Laschelle McKay

Ms. Sothoron is on vacation but did provide Council with a written report. Ms. McKay presented the highlights of her report.

### **Planning & Zoning Report** – Laschelle McKay

The last Planning & Zoning meeting was held on April 27, 2015. We had one item on the agenda:

#### **Case #23-15 – 25805 Point Lookout Road; formerly the Ahearn Property**

Request for concept plan approval submitted by W.M. Davis Development LLC. The plan to replace the existing building with a one-story 7,776 sq. ft. building which will be occupied by a restaurant and mixed retail space received unanimous approval.

The next Planning & Zoning meeting will be held on July 20, 2015, and we currently have the following items on the agenda:

#### **Case #36-15 - PUBLIC HEARING – 22705 Johnson Lane – rezoning request**

W.M. Davis is requesting rezoning from R-SF to R-MF to allow for the construction of four townhomes on the property. The Council will hold a public hearing on this request in August.

## **PUBLIC HEARING – Ordinance #171 – Town Comprehensive Zoning Map Changes**

The purpose of this ordinance is to adopt changes to the Comprehensive Zoning Map for the Town of Leonardtown to incorporate the annexation of 241.42 acres +/- of land along Hollywood Road. The Town Council will also hold a public hearing on this ordinance in August at their regular meeting.

### **Case #78-14 – Leonardtown Volunteer Rescue Squad; 22855 Lawrence Avenue – addition Request for concept plan approval**

Applicant is proposing a 4,640 sq. ft. two-story addition which will include office space as well as accommodations for volunteers, including a kitchen, lounge and dining areas, bathrooms with shower facilities, a laundry room and bunk rooms. The upstairs will be unfinished.

### **Police Report**

Deputy Smolarsky is unable to attend today's meeting. A written report was provided to Council.

Mayor Burris noted that there was an incident along McIntosh Run.

### **Town Administrator Report**

Ms. McKay remarked that a call came into the Emergency Center of a kayak overturning and two women stranded along the waterway. We had applied for some grant money for mile markers previously but did not get the grant. We are moving ahead to place mile markers along the McIntosh to assist emergency crews and people using the trail to note their location.

Mayor Burris stated that he has requested that caution signs be placed at both the Leonardtown Wharf and Port of Leonardtown kayak launches about kayaking during high water and at your own risk.

Ms. McKay mentioned that the Consumer Confidence Report (CCR) otherwise Water Quality Report is out and posted on our website. This report is submitted yearly and we are required to do specific water samplings and report these results to the public.

Also, Ms. McKay noted that the Mosquito spraying has begun. It runs from June to late September or October depending on the amount of mosquitos. Mosquito Control does sample testing of the number of mosquitos in a particular area to determine how much if any to spray. We do receive calls from residents asking for testing in particular locations.

The Leonardtown Wharf sign has been redone by Heritage Printing and looks so much better. It had begun to fade and wear due to the weather elements.

Council Member Hammett commented that the sign is so much brighter and more visible.

Mayor Burris entertained a motion to close the regular meeting and open the Public Hearing.

**Councilmember Roberts moved to close the regular meeting and open the Public Hearing regarding Ordinance No. 170 – Forest Conservation Area; seconded by Councilmember Roger Mattingly, motion passed.**

Ms. McKay reported that Ordinance No. 170- Forest Conservation Ordinance was introduced last month. Today's public hearing is to hear any comments on the proposed update to our existing Forest Conservation Ordinance (Chapter 80). By State law we are required to update our Forest Conservation Ordinance by July 2015. Our original ordinance was adopted in 1993. The Dept. of Natural Resources had to approve all changes and additions. This will bring us into compliance with the 2013 amended Forest Conservation Act. A copy of the Ordinance is in your packet. The Public Hearing was advertised in the County Times on June 25, 2015 as required and a copy for residents to review was placed in our reception area.

Mayor Burris opened it up to the floor for any comments.

**There being none, he entertained a motion to close the Public Hearing and open the Regular meeting.**

**Councilmember Roberts moved to close the Public Hearing and open the Regular meeting; seconded by Councilmember Roger Mattingly; motion passed.**

**Mayor Burris asked for any comments from Council Members. There being none, he entertained a motion.**

**Councilmember Roger Mattingly moved to accept Ordinance No. 170 – Forest Conservation; seconded by Councilmember Roberts, no further discussion, motion passed unanimously.**

## **Town Administrator's Report** (continued) – Laschelle McKay

***Introduction of Ordinance No. 171- Comprehensive Zoning Map Changes*** - This is just for introduction of this ordinance, concerning the zoning classifications for the properties proposed for annexation on Hollywood Road. Following the Public Hearing and decision on the annexation request at the August meeting the Council will hold a Public Hearing on these zoning classifications to codify them in the Leonardtown Code. The Planning Commission will hold a public hearing at their July 20th meeting and send a recommendation to the Council for the August meeting.

### **Introduction of Ordinance No. 172- Chapter 48 Building Code Changes**

As required by State law we are required to update our building code to meet the 2015 International Building Code, International Residential Code for One and Two family dwellings and the International Energy Conservation Code. The proposed ordinance prepared by Funk and Bolton attorney Patrick Thomas, adopts the modifications approved by the County last month. A copy of each of the full codes is available for review by anyone interested. We are introducing this ordinance this month and will hold a public hearing at the August meeting.

### **ENR Upgrade Update**

The pre-construction meeting was held with MEB General Contractors, GHD and Town staff on June 25th. The Notice to Proceed has been issued for July 6, 2015 and things are starting to proceed. A lot of ground work has been done over the last several months with all of the delays so a flurry of activity will be seen rather quickly. Today we will be addressing final documents for closing as well as the sludge removal progress.

### **Resolution 6-15 Regarding the MWQFA Loan for ENR Upgrades**

Today's action for completing the documentation needed to go to closing for the Water Quality loan is in the form of a Resolution which can be passed at the same meeting it is introduced. The Resolution refers to Ordinance No. 169 which we passed on April 13, 2015 authorizing borrowing up to \$7,500,000. The Resolution also includes the loan documents from MWQFA. Action is needed on this item. Closing is set for August at this time.

**Councilmember Roberts moved to accept Resolution 6-15 as presented; seconded by Councilmember Tom Combs, no further discussion, motion passed unanimously.**

## **Approval of Sludge Removal Contract- Old Line Environmental**

As you are aware we have had multiple problems getting a sludge hauler and getting this critical element of the upgrade moving. We have been working with GHD and multiple companies to make this happen. There are multiple issues including the equipment we have rented for many years from MES breaking down, to the size of the container to be filled, to the tractor breaking down and the rain on the fields. As you will recall we removed the sludge removal from the contract and rebid saving \$1,650,000 on MEB's bid. We now must manage the sludge removal on our own. We have \$63,333 budgeted this year for sludge management. We would be using reserves to fund any overage after that.

We finally have a proposal to move forward and there are three parts to the proposal:

- Removal of approximately 300 tons of sludge currently on the drying beds prior to work beginning for ENR. Recommend Old Line Environmental performing the work and applying to land at \$47.32 per ton. (20% less than have been paying) as well as monthly rental of a skid loader and operator at \$2,500.
- Rental of sludge press until the new press and sludge handling building is completed as part of the ENR project at a cost of \$12,500 per month and an operator at \$475 per day as needed.
- Ongoing sludge management until the upgrade is complete. Old Line would be contracted to haul sludge at the \$47.32 per ton for land application and if we have to go to landfill that cost would be set by King George landfill when it reopens. Right now it is estimated to be \$82.79 per ton (which will be a verifiable number). At the end of one year there would be a review of the CPI to set the next year's price. One issue is the size of the container and the type of equipment/system to load the container on an ongoing basis. Old Line has lower profile containers that can be loaded with a normal tractor. Also we are concerned about having to rebid and change contractors in the middle of the ENR project. We would recommend awarding the contract for two years to Old Line Environmental and readdressing after the ENR is complete.

**Councilmember Hammett moved to approve the Sludge Removal Contract as presented; seconded by Councilmember Combs, no further discussion, motion passed unanimously.**

**GHD, Inc- Task Order #12- Development Impact Study and Water Loop Analysis** - As previously discussed we have asked GHD to update the water and sewer models in the East Fenwick Street area as we have moved the Rt. 5 water loop up in the Capital Budget to this year. The Task Order for this work as part of the General Services contract with GHD is \$9,300.

**Councilmember Combs moved to approve Task Order #12; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.**

Councilmember Roberts remarked that Ms. McKay did receive a letter from the St. Mary's County Commissioners updating us on the status of the library and the Garvey Center. They are

not ready to submit a final site plan as they are still in discussions about whether it will be one single building or two separate buildings. They do understand that a sewer capacity study will be required as part of the design and that a more detailed project study will be needed as part of the traffic planning.

**Mayor’s Report**

Mayor Burris stated that Governor Hogan announced that he has approved construction funds of 10.1 million dollars into the budget for 2018 for the construction of the Maryland Rt. 5 breakout project, basically from the hospital to Clark’s Rest.

He talked to Greg Slater, Director of Planning at MML to put in a word to SHA that the Town is in favor of adding a light at the Clark’s Rest intersection into the project.

There is a write up in the Beacon regarding the work that Marrick is doing along Rt. 5.

Mayor Burris also put in a word with Secretary of MDE in regards to help with the bridge project at the Port of Leonardtown Park and the floodplain study which will cost about \$30,000 and also spoke with Secretary Gill of DBED about promoting the RFP for a restaurant at the Leonardtown Wharf.

**Events** – Roger Mattingly

Councilmember Mattingly thanked Ms. Fleming for doing such a great job and noted that she is coordinating with Fox 5 ZipTrips to be here in Town on August 7 from 7 am to 11 am to host their show on Flip Flop First Friday. With the next day being Beach Party and the Southern Maryland Historic Power Boat Regatta on Saturday morning down at Leonardtown Wharf. We have the Running of the Balls at Beach Party and a new hot dog eating contest hosted by Big Larry’s.

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

<u>Date</u>	<u>Time</u>	<u>Event</u>
Tues, July 14, 21, 28 – 8/4	6:45 PM	Twilight Series @ CSM - Leonardtown
Fri. and Sat. July 17, 18, 24, 25	7:00 PM	Summerstock Presentation of <i>Joseph and the Amazing Technicolor Dreamcoat</i>
Sat. Matinees July 18, 25	1:00 PM	@ Great Mills High School
Sun. July 19, 26	3:00 PM	
Saturday, July 18	7:30 AM	Sunrise Yoga @ the Wharf
Wednesday, July 22	5:30 PM	Chamber Business After Hours Hosted by Marrick Homes @ 23201 Clarks Rest Rd. Leonardtown
Saturday, July 25	6 PM	Downtown Tunes <i>Jennifer Cooper &amp; Groovespan</i>

Tuesday, August 4	TBD	National Night Out Celebration @ Leonard's Freehold
Thursday, August 6, Friday, August 7, & Saturday, August 8	3 – 10:25 PM 1:10 – 10:15 PM 10:50 AM – 9:35 PM	“Lil” Margaret’s Bluegrass & Old Time Music Festival @ Goddard Farm
Friday, August 7	7 – 11 AM	Fox 5 Zip Trips in the Square
Friday, August 7	5 - 8 PM	Flip Flop First Friday
Saturday, August 8	10 AM – 4 PM	Southern MD Boat Club Racing Boat Regatta @ the Wharf
Saturday, August 8	4 - 9 PM	Beach Party on the Square
Friday, August 14	8:30 AM	LBA Meeting @ TBD
Saturday, August 15	6:00 PM	US Navy Jazz Band The Commodores On the Square

Ms. Fleming remarked that the first annual Southern Maryland Film Festival was a great success. A big thank you to the Town staff and all the sponsors and volunteers and special thank you to the venues and their staff. We are looking forward to doing another take next year.

**Community Development and Strategic Planning** - Hayden Hammett

Councilmember Hammett reported that he has noticed that the LBA meetings are very well received. He attended one of the breakout sessions at the MML Convention on the Downtown Main Street Program and hopes that we will strive to move forward with more involvement in that program.

The new Arts and Entertainment banners are up.

**ENR Upgrade** – Tom Comb

Councilmember Combs has no report at this time as Ms. McKay covered the information in her report.

**SMMA Update** – Leslie Roberts

Councilmember Roberts reported that everyone got a lot out of attending the MML Convention. There was lots of classes focused on economic development. It also always amazes others when I mention how much Leonardtown staff accomplishes with such a small staff and a small budget utilizing grant money which we garner by having shovel ready projects. Another topic was small town big data and utilizing technologies for example: Mail Chimp and Survey Monkey to gather or disseminate information. The next SMMA meeting will be hosted by Leonardtown on September 6, 2015 with the location to be determined.



Councilmember Roberts congratulated both Council Members Tom Combs and Jay Mattingly for graduating from the Academy of Excellence in Local Government.

**Safety and Emergency Preparedness** – Jay Mattingly

Councilmember Mattingly reported that AB&H has completed all the patchwork around Town. The striping project, performed by W&W is set to begin on July 22<sup>nd</sup>.

**Mayor Burris reminded everyone that he will be available for discussion after the close of the meeting and entertained a motion to adjourn the regular meeting.**

**Councilmember Roger Mattingly moved to adjourn the regular meeting at 5:15 p.m.; seconded by Councilmember Hammett, no further discussion; motion passed unanimously.**

Respectfully Submitted:

\_\_\_\_\_  
Teri P. Dimsey

**Approved:**

\_\_\_\_\_  
Daniel W. Burris, Mayor

\_\_\_\_\_  
Leslie E. Roberts, Vice President

\_\_\_\_\_  
Thomas M. Combs, Councilmember

\_\_\_\_\_  
Hayden T. Hammett, Councilmember

\_\_\_\_\_  
J. Maguire Mattingly IV, Councilmember

\_\_\_\_\_  
Roger L. Mattingly, Councilmember