



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** **June 13, 2016**

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; Jada Stuckert, Planning Assistant; Jackie Post, Fiscal Clerk; Maria Fleming, Events Coordinator; John Wharton, The Enterprise; Guy Leonard, The County Times; Dick Meyers; The BayNet; Mike Mummaugh, Paragon Properties. A complete list of attendees is on file at the Leonardtown Town Hall.

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

Mayor Burris noted that there are changes to today's agenda and asked Ms. McKay to report.

Ms. McKay responded that there are two sets of meeting minutes to be reviewed today. One is for May 9, 2016 and one is for the special meeting held on May 18, 2016.

There is also a change to the numbering to the budget amendments listed on the agenda. BJ09-16 is not BJ01-17 and BJ10-16 is now BJ02-17 as they will take place after the fiscal year change.

The introduction of Ordinance #176 – Addition of Micro-Breweries as a permitted use in Commercial Business and also Commercial Marine Zoning Districts.

And finally we added IT Services Procurement.

Approval of Minutes

Meeting minutes for the June 13, 2016 Town Council were presented for approval.

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

Councilmember Tom Combs moved to approve both the May 9, 2016 minutes and May 18, 2016 as presented; seconded by Councilmember Jay Mattingly; motion passed unanimously.

Mayor Burris moved on to the next order of business and asked Ms. McKay to begin the Town Administrator's report as we have some attendees waiting.

Town Administrator's Report – Laschelle McKay

Ms. McKay reported that there are two requests for Liquor License Letters of Support.

Liquor License Letter of Support- Leonardtown Cigars, LLC- This is a new business that is opening in Leonardtown Centre. The business is a cigar lounge and they are applying for a Class D Tavern license to serve alcohol in the cigar lounge. The applicant is requesting a letter of support for this license. Dan Slade is representing the applicants, Mr. Jeffrey L. Lustig and Ms. Jacki Wobser.

Councilmember Roger Mattingly moved to approve the request for a letter of support; Councilmember Roberts seconded; no further discussion, motion passed unanimously.

Liquor License Letter of Support- Urban Bar-B-Que- Ms. Jessica Western (Western BBQ, LLC) and Ms. Jill Hutchison are requesting a letter of support for a Class B Wine, Beer and Liquor license for their new restaurant at the Washington Street Retail Center, Urban Bar-B-Que. They are also requesting that the letter incorporates a few outdoor tables that are planned at the location at 22845 Washington Street, as well as a corkage and growler license.

Councilmember Combs moved to approve the request for a letter of support for a Class B Wine and Beer Liquor License with support for the outdoor seating planned at the location and a corkage and growler license; Councilmember Hammett seconded; no further discussion, motion passed unanimously.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron reported that no transfers were made for the month of May. We are 92% through the budget year. We did receive the third quarterly income tax distributions in May and reaching the budget projection amount looks favorable. Traders License revenues are received in April and May and are not reflected in the report until June.

Resolution 2-16 – This is a Resolution that follows the Ordinance that was previously approved by Council that authorizes the borrowing for the New Town Hall on Washington St. The maximum amount for the draws we are allowed to take is \$650,000. It is required to convert to a permanent loan before July 1 of 2017. It includes a recommended term for the permanent period of 10 years and the funding has already been approved in the FY17 budget to cover. We expect the loan closing to happen the week of June 20th.

Councilmember Hammett moved to approve Resolution – 02-16 as presented; seconded by Councilmember Combs, no further discussion, motion passed unanimously.

The budget amendments to be presented have been re-numbered given the timing of the closing of the new Town hall in July.

Budget Amendment 01-17 – It is intended to represent an equal amount, \$650,000, for the purchase and the corresponding loan proceeds that will be received.

Budget Amendment 02-17 – Repair of the Lagoon Liner. We were hoping it would be moving along before the end of the fiscal year and did not proceed in a timely manner. We are getting close to emptying the lagoon but the repairs will fall into the new fiscal year.

Councilmember Hammett moved to approve Budget Amendment BJ01-17 and BJ02-17 as presented; seconded by Councilmember Combs, no further discussion, motion passed unanimously.

Ms. Sothoron reported that there are a few delinquent utility accounts that have gone through various procedures and through legal counsel to try to collect but collection has been zero percentage. The recommendation is that they be written off prior to the end of June so that they can be written off at the end of the fiscal year and books reconciled for the audit. I will provide a run-down of the customers affected.

KBK who ran the old Arby's. They declared bankruptcy and there were not enough assets to pay all the creditors and we did not receive any proceeds. The total amount is \$3,244.82. Approximately \$750 is in interest and penalties.

The corporation that previously ran the Leonardtown Sunoco. We have been trying to make collection efforts since 2009. The total amount to be written off is \$5,961.00. Approximately \$2,200 is in interest and penalties.

We do this extremely infrequently and spend as much time as possible trying to make collections but, when we have bankruptcies we file claims and do everything we can do. What has happened to protect the Town since these situations arose is now we have a required utility deposit with the current tenant. We have a Landlord/Tenant Agreement in place. And for all the strip mall tenants, we get Landlord/Tenant Agreements and utility deposits. We are protecting ourselves as much as possible. Because Sunoco was in Town for so long, none of these new protocols were in place when they moved in.

Councilmember Roger Mattingly inquired as to how long we go before we shut off the water off or some kind of penalty.

Ms. Sothoron responded that generally for all residential and commercial customers that have water service, the cut-off date is almost six months past the first service date. Unless we make extension arrangements, they will be turned off.

Councilmember Roger Mattingly noted that we let these things go on too long and may need to re-evaluate how we handle these situations.

Councilmember Roberts agreed that these were probably left for too long but one was because of a bankruptcy and the other was a very long standing company in Town that we tried to work with to secure the funds. Each was a unique situation and we do now today have new policies in place because of these two situations.

Councilmember Hammett asked about the number of current delinquencies.

Ms. Sothoron remarked that we have approximately 140 customers getting late notices this month. We make reminder calls and tend to get payments made quickly which leads us to a smaller cut-off list. We do charge 1% interest a month if no payment after the due date along with a late fee of \$25.00 if you have not paid by the time of shut-off.

Ms. McKay noted that procedures have been put in place to ensure that collections do not go this length of time.

Councilmember Roberts moved to approve the write-off of bad debt for the two utility accounts as presented; seconded by Councilmember Combs, no further discussion, motion passed unanimously.

Ms. Sothoron requested approval of the Audit Engagement letter submitted by Murray, Wamsley and Schrader. They have estimated project cost at \$22,000 for the FY16 Audit and this is within the budgeted amount.

Councilmember Roberts moved to approve the Audit proposal as presented; seconded by Councilmember Combs, no further discussion, motion passed unanimously.

Police Report

Mayor Burris remarked that Deputy Smolarsky is unable to attend today but did provide Council with a written report.

Planning & Zoning Report – Jada Stuckert

Ms. Stuckert reported that the last Planning & Zoning meeting was held on May 16, 2016. There were four items on the agenda:

Case #14-05 Clark's Rest Subdivision, Phase 1A and 2A
Received approval for Phase 1A and Phase 2A plat(s)

Case #14-05 Clark's Rest Subdivision, Entrance Monument Wall
Received approval for amended Entrance Monument Wall

Case #42-14 The Hamptons at Leonardtown, Hampton Boulevard
Received recommendation to Town Council for Final Site Plan with conditions

Case #36-15 Orchard Hills, 22705 Johnson Lane
Received approval for Concept Site Plan

The next Planning & Zoning meeting will be held on June 20, 2016, and currently have one item on the agenda:

Case #25-16 Executive Inn Re-Zoning - Request for recommendation to re-zone property at 41655 Park Avenue to Town Council.

The applicant is requesting recommendation to Town Council to re-zone the Executive Inn from Commercial Business (C-B) to Residential Multi-Family (R-MF).

Town Administrator's Report – Laschelle McKay

Introduction of Ordinance No. 176- Addition of Micro Breweries as Permitted Use in C-B District- There has been some discussion about a couple of micro-brewery businesses looking for locations. Currently we do not have micro-breweries listed as a permitted use in any district. This ordinance would add them as a permitted use in the C-B and C-M districts. This would give vacant buildings in the downtown the option of marketing to this type of up and coming business. The ordinance is just getting introduced this month with a public hearing held next month on the subject.

Case #42-14- The Hamptons at Leonardtown, Map 40 Parcel- Request for revised final site plan option-

Applicant/Owner: The Saba Group, LLC
Engineer: Mehaffey & Associates, P.C.
Site Area: 12.54 acres
Project Size: 2 – 4 story apartment buildings, 142 units, 112,113 sq. ft. each building
Zoning: R-MF

The project was reviewed by the Town Council at their meeting on June 16, 2014 and received EDU eligibility.

On June 23, 2014, the Planning & Zoning Commission made a recommendation that Town Council approve the concept plan for the three-story apartment buildings, and also a recommendation to forward the request for a density bonus and the addition of a fourth floor to each building to the Leonardtown Board of Appeals.

The Town Council held a public hearing on July 14, 2014. At that time, the applicant received concept approval for a site plan depicting two 3 story apartment buildings with a total of 119 two and three bedroom units. The Council also recommended that the Board of Appeals approve the applicant's request to add a fourth story to both buildings in order to condense the units and conserve open space and preserve green space. This motion passed by a 4 to 1 vote.

The Board of Appeals met on September 23, 2014 and approved the fourth story (142 units) with conditions, one of which was that there be traffic access to Fenwick Street. The applicant was unable to secure that access; and therefore, the project moved forward as 2 – 3 story buildings (64,477 sq. ft. each).

The project has been reviewed and approved by State Highway, the local Fire Department, Fire Marshal, Department of Public Works, Soil Conservation District, Department of Natural Resources, State Highway, and the Town's utilities department.

The applicant received final site plan approval for 3 stories on October 12, 2015. The Saba Group and the Town have continued to pursue the access road to Fenwick Street. We are awaiting State approval to build the road on the existing 30' sewer easement.

The Planning Commission sent a favorable recommendation for the fourth floor, if the road was approved, at their May 16, 2016 meeting.

Councilmember Roberts moved to approve the option for a fourth story to be added in Case #42-14 Final Site Plan approval for The Hamptons at Leonardtown if approval for the access road to Fenwick Street is received; seconded by Councilmember Combs. Councilmember Roger Mattingly abstained, four ayes, no further discussion, motion passed.

Councilmember Hammett thanked Mr. Saba for working with the Town on the access road.

Authorize Contract for Moving Company for Town Hall Move - Three price proposals were received from local moving companies. Staff is recommending awarding the contract to Quality Transfer and Storage. They were the lowest price that included packing and moving.
Quality Transfer and Storage- \$4,425.50 (packing, supplies and moving included)
McKendree Moving and Storage- \$3,700 (moving only, 200 boxes included)
B-Five Star Movers- \$6,375 (packing, supplies and moving included)

Councilmember Combs moved to award the Town Hall moving contract to Quality Transfer and Storage in the amount of \$4,425.50; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.

Authorize to Reissue Wharf Restaurant RFP for 30 days - The original deadline for the Wharf Restaurant RFP was July 30, 2013. After receiving no responses we extended the deadline to December 30, 2013. Since then the RFP has still been available but no official action has been taken to extend it, we are proposing that we send it back out for 30 days to see if we can stir up any interest.

We did just receive the Waterway Improvement Grant for \$99,500 for the pier and slips at the Wharf which will make this a more attractive opportunity.

Councilmember Hammett moved to reissue the Leonardtown Wharf RFP for 30 days; seconded by Councilmember Combs, no further discussion, motion passed.

Resolution 3-16- Resolution to Authorize Residential Permit Parking - This resolution formalizes the plan to provide residential permit parking in the public parking lot behind town hall for residents of apartments on the town square. Signage has been made and Printing Press can print decals. There are 22 spaces that would be for residential permit parking only after 5 p.m. Monday thru Friday and on Saturday and Sunday. This will free up the parking on the

square for patrons of the businesses. We will be working with the businesses to educate their employees to do the same thing. We will work with the town deputy to monitor this especially in the beginning.

Ms. McKay read Resolution 3-16 out loud.

Councilmember Roger Mattingly moved to accept Resolution 3-16 as presented; seconded by Councilmember Combs, no further discussion, motion passed.

Ms. McKay commented that the last item for discussion is the item added to the agenda is the IT Service Procurement. As part of the move to the new Town Hall building, we have met with different IT companies, toured the new facilities and assessed our current facilities and the equipment we have on hand. There are several parts to this equation and there are two proposals and have been received and we have not yet had an opportunity review them. We are asking for authority from Council for Ms. Sothoron and myself to make a decision on IT Services prior to the next meeting simply because of time constraints. The different aspects are very extensive to provide on-going IT services, new email system and server upgrade, provide IT infrastructure and move all the IT equipment to the new Town Hall along with discussions on a new phone system. Copies of the proposals have been provided for your review.

Councilmember Roberts moved to authorize authority to Ms. McKay and Ms. Sothoron to move forward with working with the IT for the new Town Hall and making the final decision without having to come back for a special meeting; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.

Mayor's Report – Mayor Burris

Mayor Burris reported that we received a letter from the Governor, as previously mentioned, for a pier and 14 slips at Leonardtown Wharf.

Also, as many may have heard, my in-laws moved into Cedar Lane and unfortunately there was a small fire which was put out quickly and efficiently by the Leonardtown Fire Department. I wanted to extend our sincere thanks and gratitude for our family and the residents and their families of Cedar Lane.

Events – Roger Mattingly

Due to inclement weather, the May 13th LHS Jazz Band Spring Concert was relocated indoors at the school, the May 21st CF Walk became lunch under a tent at the Wharf, the US Navy Band has rescheduled their concert in the Square to June 17, and the live music with the Chesapeake Swing Band for June First Friday got rained out.

Thanks to the set up help from the Utilities crew, May 28th ran very smoothly! The LG Run was a huge success, birthday girl and bride were both happy, the car cruise brought 162 vehicles and 300+ people to Town and Latrice Carr rocked the Square during Downtown Tunes!

Despite the rain, June First Fridays still hosted the Where's Crabby? selfie scavenger hunt, which not only brought families into Town, but also got people to go into businesses they had not been in before. The Winner will likely be announced at the next LBA meeting.

The Flag Day Ceremony being held tomorrow, Tuesday, June 14, co-sponsored by the St. Mary's County Government will still be at the Governmental Center, but will be held at 4:30 p.m. instead of the advertised 6 pm.

South Point Church has reserved the Wharf for its Volunteer Appreciation Picnic on June 23 from 6 - 8 p.m. and The Enterprise newspaper is sponsoring a ladies' wine tasting event at the Port of Leonardtown Winery on Tuesday, June 28 from 6-8 p.m. (tickets required).

On June 25 the day starts with Sunrise Yoga at the Wharf at 7:30 a.m.; then several local businesses will be participating in "Glam Day" from 10 a.m. – 3 p.m. near BTB on Fenwick Street; and the day ends when Downtown Tunes goes country with Robbie Boothe from 6 – 9 p.m.

July 1 will once again be Bob Schaller and Friends for the Red, White and Blues Jam on the Square.

CSM - Leonardtown's Twilight Series starts at 6:45 PM on the following days: July 12, Dave Chappell Band; July 19, Afro Bop Alliance; July 26, Coastline; and August 2, Children's Show: *Spirit of Hispania: Hispanic Tales* (CSM Theatre).

Dave Lane with Patuxent Adventure Center is now renting custom-built skiff "gondolas" for special occasions. Skiff includes gondolier and is equipped to play your favorite music; food and drink may be also be brought aboard.

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Tuesday, June 14	4:30 PM	Flag Day Celebration @ SMC Governmental Center
Tuesday, June 14	5:30 PM	SMC Chamber Annual Meeting @ LVFD Social Hall
Friday, June 17	6- 7:30 PM	US Navy Band Commodores Jazz Ensemble in the Square
Saturday, June 18	9 AM – 3 PM	Coastal Arts Market @ Port of Leonardtown Park
Wednesday, June 22	5:30 PM	SMC Chamber Business After Hours Hosted by LaQuinta Inn & Suites, @ 22769 Three Notch Rd.
Saturday, June 25	7:30 AM	Sunrise Yoga at the Wharf
Saturday, June 25	10 AM – 3 PM	Glam Day at BTB/Fenwick Street
Saturday, June 25	6 – 9 PM	Downtown Tunes country with Robbie Boothe
Tuesday, June 28	6-8 PM	Ladies' Wine Tasting Event @ Port of Leonardtown Winery
Friday, July 1	5 - 8 PM	Red, White and Blues "First Friday" Celebration on the Square
Monday, July 4	HOLIDAY	Independence Day – Town offices closed

Community Development and Strategic Planning - Hayden Hammett

Councilmember Hammett reported the hospital received their storm water management and grading permit in May and are moving dirt now. They are shooting for June 20 for the opening of the Dunkin Donuts.

ENR Upgrade – Tom Combs

Councilmember Combs reported that it is moving along smoothly even with the large amount of rain.

SMMA Update – Leslie Roberts

Councilmember Roberts reported that coming up is the MML Convention, June 26 through the 29 in Ocean City, MD. There are some good workshops which represent the changing times along with economic development and branding. We learn from others what they are doing and we also learn to appreciate our staff and what we are doing and what we are accomplishing. There is a whole section on safety and how to manage, prepare and help prevent events either natural, such as flooding, or manmade events. Another is codes and inspections and working on foreclosed or abandoned properties.

Safety and Emergency Preparedness – Jay Mattingly

Councilmember Mattingly reported that the pedestrian signage has gone up by the Post Office and also by the Duke building and we have repositioned the stop sign at Fenwick and Washington Street to help reduce traffic incidents at that intersection.

Mayor Burris entertained a motion to close the regular meeting and move in Executive Session on personnel.

Councilmember Combs moved to adjourn the regular meeting at 5:15 p.m. and move into Executive Session on personnel; seconded by Councilmember Hammett. Motion passed unanimously.

At 5:25 p.m. the regular meeting was re-opened.

Councilmember Roger Mattingly motioned to approve the motion discussed in Executive Session, seconded by Councilmember Leslie Roberts. Motion passed unanimously.

At 5:30 p.m. Councilmember Tom Combs moved to close the meeting, seconded by Councilmember Hayden Hammett. 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