



# Commissioners of Leonardtown

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DANIEL W. BURRIS  
Mayor

LASCHELLE E. McKAY  
Town Administrator

## **Commissioners of Leonardtown** **Town Council Meeting Minutes** **October 11, 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: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Jada Stuckert, Planning Assistant; Jackie Post, Fiscal Clerk; Guy Leonard, The County Times; Dick Meyers, The BayNet; Jim Gotsch, John Edwards, Brandon Mehl, Soltesz; Nick Colvin, Charlie Breck, Daring Atlas, Joe Kurley, The Rex; Rodney Gertz, QBH; Jim Gentileore, Resident, Susie Jones, Resident, Joseph Gass, Resident; Lois Coryell, Resident. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Burris asked Councilmember Hammett to say the invocation and proceeded with the Pledge of Allegiance.

Mayor Burris remarked that we have a Public Hearing at 4:15 p.m. and we also have a couple of additions to the agenda. We are adding the Snow Removal contract and removing the RV request per Section 141-03 Leonardtown Boats.

### **Approval of Minutes**

Meeting minutes for the September 12, 2016 Town Council were presented for approval.

**Mayor Burris entertained a motion to accept the minutes as presented.  
Councilmember Combs moved to approve the September 12, 2016 minutes as presented;  
seconded by Councilmember Roger Mattingly; motion passed unanimously.**

Mayor Burris asked Ms. McKay to begin with the Town Administrator's report first.

Ms. McKay stated:

**The Rex Liquor License Letter of Support- Change from Class B to Class D-** Joe Kurley is requesting a change from a Class B Restaurant license to a Class D Tavern license due to not being able to meet the food to alcohol requirements of a restaurant license. Without this change he would lose his license. The license is currently under the names of Joe Kurley, Dan Norris and Charles Breck.

**Councilmember Roger Mattingly moved to approve a liquor license letter of support from a Class B to a Class D license for The Rex restaurant; seconded by Councilmember Combs.**

*Discussion:*

*Councilmember Hammett inquired as to the difference in the two licenses.*

*Mr. Kurley responded that a Class B license is a Tavern License which does not have any ratio to it versus the Class D which includes a food to alcohol ratio.*

**No further discussion, motion passed unanimously.**

**Treasurer's Report** – Rebecca Sothoron

Ms. Sothoron reported that during the month \$250,000 was transferred to the Operating Account. We are 25% through the budget year. The capital grant for the highway user revenue was received. A few budget amendments will be brought to the table in the next few months. The largest one will be in regards to the sludge management to finish that project. We did budget \$200,000 in FY17 and that will not be enough as we are still waiting on invoices from the contractor. We are also incurring expenses to get the new Town Hall furnished and up and running. We thought we would be taking some draws from the loan to help pay for those but because the fund balance looks to be favorable at the end of the FY16 Audit, what we hope to do is bring some of that money forward in a budget amendment so we will not need to take a draw if we have the money available. The FY16 draft is coming down to a pretty good number as far as the year-end audit numbers. The revenue surplus is about \$132,000 which is almost exactly the surplus for income tax. The expense surplus is \$69,000 and all departments yielded a positive result. We do anticipate that unassigned fund balance will be over the 50% threshold. We will have the margins we need to pay for these one-time expenses and not have to make a draw for the Town Hall. There also may be some room to bring the principal amount down for the final loan depending on the sale price of the condominiums but we are not quite sure what that will yield.

Councilmember Combs asked about our plans to put an elevator in the new Town Hall. Will we have to match those funds and have we placed that in the budget or will we pull from the sale of the condos?

Ms. McKay stated yes, matching funds will be required and we will have to put in approximately \$25,000 to match.

Ms. Sothoron remarked that it is not in the budget right now and we may be able to pull those funds out.

Mayor Burris noted that we are moving forward on obtaining the grant but it most likely will not be in this year's budget. We have already applied for the grant and should hear in October but it will all depend on the grant process if it gets into this year's budget or next.

Ms. Sothoron reported that she is continuing to prepare the financial statements and all the required Maryland reports for the October 31<sup>st</sup> deadline. The audit presentation is tentatively scheduled for the next Council meeting. We have been doing significant work with the property tax vendor and a tax escrow agent to try to automate data sharing. There has been significant expense incurred to try to get more of that automated so they will be able to capture our data, receive payments from their customers and then send payments to us electronically. We hope to get that all taken care of and training by the end of December.

Councilmember Hammett inquired if this will be a one-time expense or on-going fees associated.

Ms. Sothoron stated that everything happening now is all up-front one-time expenses. The escrow agent does not charge us a fee for any of that data sharing. The only additional charges will be if there is some type of problem and my software vendor has to intervene and try and figure out the problem. Work will be starting again to get on-line in office kiosk since we now have the new internet service provider.

Ms. McKay continued with the Town Administrator's Report.

**Crazy for Ewe Yarn Shop Liquor License Letter of Support-** Ellen Lewis of Crazy for Ewe, 22715 Washington Street is requesting a liquor license letter of support for a Class D license to allow her to offer wine at her classes for on-site consumption only. This is the license that Wine and Design has currently and is the only one currently available for these types of businesses. We are still working with the Delegation for an Arts and Entertainment license to be established.

Ms. Lewis explained that she would be doing something similar to what Wine and Design does, to simply offer a glass of wine to her customers who are attending a class and making it a bit more of an event.

**Councilmember Roberts moved to approve a liquor license letter of support for a Class D license for Crazy for Ewe for on-site sales only; seconded by Councilmember Hammett, no further discussion, motion passed unanimously.**

**Mayor Burris remarked that it is now 4:15 p.m. and entertained a motion to close the regular meeting and open the Public Hearing on Concept Site Plan Request – Meadows at Town Run – Map 132, Parcel 175, Hollywood Road.**

**Councilmember Hammett moved to close the regular meeting and open the Public Hearing; seconded by Councilmember Roger Mattingly, motion passed.**

Mayor Burris asked Ms. McKay to provide some background on this project.

Ms. McKay stated that the subject property is located on the east side of MD Route 245, in close proximity to its intersection with Leonard's Grant Parkway and is better known as the Wathen Farm. The southern boundary of the Property adjoins the Town of Leonardtown municipal limits. The farm was annexed into the town in August 2015. Per Section 3.4 of the annexation agreement the Town Council has already allocated the required 108 EDU's. Town Staff held a pre-application meeting with the owner on July 8, 2016.

The applicant is proposing a 107 lot single family traditional style subdivision with 25' front, 6' side, and 20' rear setbacks to be completed in two (2) phases. The site is fairly flat in the western and central portions of the site then slopes down sharply to a stream valley and floodplain area along the eastern boundary. The majority of the steep slopes on the site occur adjacent to the stream channel. A low-lying area associated with a wetlands system is present in the south-central portion of the site.

Currently there are seven single family residential lots along the east side of MD 245 that prevent the ability to directly align the subdivision access road with Leonard's Grant Parkway. As a result, the access road is proposed to be approximately 250 to 300 feet north of the centerline of Leonard's Grant Parkway. Connecting roads "C" and "E" have been stubbed for future connection to the Wilkerson and Russell farms. Sidewalks have not been incorporated on roads "B", "D", "F", and "G" due to the incorporation of bio-swales which are required to meet the new stormwater management regulations.

Applicant has preliminarily looked at off-site sewer, traffic, forest conservation, and stormwater management practices. Applicant has submitted to the Department of Public Works, Soil Conservation and State Highway in June 2016 and the Department of Natural Resources in September 2015. To date comments have been received by Public Works and Department of Natural Resources. The Leonardtown Volunteer Fire Chief approved the concept plan in July 2016.

The Planning Commission heard the case at their September 19<sup>th</sup> meeting and sent a favorable recommendation. The 4:15 Public Hearing was advertised in the County Times on September 29<sup>th</sup>. The property was posted and notices were sent to the neighboring properties. Two comments were received by email. One was an email regarding traffic concerns on Rt. 245 and Ms. McKay read out loud the email from Nick Colvin, 23165 Hollywood Rd. Another was a letter from Judy Shetler, although not specific to this project but was forwarded to the St. Mary's County Commissioners as it focused on minimal growth within St. Mary's County.

Mr. Rodney Gertz, Owner, Quality Built Homes, provided an overview of the Meadows Town Run development plan.

Ms. Helen Dorsey asked where the water would flow from the storm drains.

Mr. Gertz remarked that the old system would take water to the pond and the new micro system now helps the water absorb back into the ground and move into the side of the wet lands.

Mayor Burris noted that this is the State mandated requirements.

For sewer service, Mr. Gertz explained that they have evaluated the wetlands elevation in the rear of the property and decided to go with a pump station with a force main at the road edge and hooking into Rt 245 with very minimum impact.

Mayor Burris remarked that this is concept approval only. Once they get concept approval then they have to go through all the planning stages such as environmental and traffic studies.

Ms. Dorsey stated that she is concerned about the environmental impact of Breton Bay and the Chesapeake Bay.

Mr. Gertz explained that he grew up on a farm and as a developer is very sensitive to water run-off and recharging the ground.

Ms. Dorsey also commented that we do not want to become a bedroom community, we want to try and keep our community rural.

Mayor Burris responded that yes, we do want to maintain the rural character of our community and to do that we have to allow the development in the development districts for which we have the water and sewer capacity to allow this development.

Ms. Dorsey explained that she had heard that Leonard's Grant development has very low water pressure.

Councilmember Combs remarked that as Clark's Rest continues to build, this issue will be addressed for both developments as their water lines will be hooked together and that will bring the water pressure up. Quality Built is also donating the Town land to build another Water Tower which has been planned.

Ms. Dorsey asked if there will be a recreation/nature trail.

Mr. Gertz noted that once the development is completed the land will be deeded over to the Home Owners Association and they will be responsible for the open space.

Mayor Burris remarked that we are very sensitive about the connectivity and will work with the development and the connecting farm lands.

Mr. Gertz stated that creating areas for the children to play in has been a very important aspect of their development plans.

Ms. McKay remarked that Mr. Gertz should continue his presentation on the concept plan and then Mayor Burris will open the floor up to the public for comment. Please state your name and address for the record if you choose to ask questions.

Mr. Gertz continued on with his presentation on the Meadows Town Run Concept Plan. He deferred to Mike Lenhart to explain the traffic impact study.

Mayor Burris thanked Mr. Gertz and opened the floor for public comment.

Mr. Charlie Breck, 40700 Transwind St. stated that his biggest concern is the intersection and would like to know if there will be a turn lane.

Mike Lenhart responded that they are anticipating a bypass lane with an acceleration and deceleration lanes such as those out of Leonard's Grant.

Mr. Glen Mattingly, 23090 Hollywood Road. Mr. Mattingly remarked that back in 2003 the Breton Bay Watershed Restoration Action Strategy Report confirmed that the Town Run is experiencing accelerating erosion along its entire length along with some severe problems along the Town Run. So in looking at the Comprehensive Plan for the Town and County, that entire watershed is planned for development, neither Comprehensive Plan addressed this. His recommendation is to address this when you next rewrite the Comprehensive Plan. We want the message to developers to be we are not going to go below minimal, in fact, we want you to come above. I do like what I am hearing today because they are coming in above. But the County and Town Comprehensive Plan should both say that. The Comprehensive Plan should also contain language that we should not tolerate breaches of the sediment control system during construction.

Mr. Gertz noted that they make every effort to safeguard their construction methods to keep the environmental impacts to the bare minimum as this is an important matter to them personally. The State of Maryland has put into place many new restrictions and we are mandated to follow them to reduce run-off and reduce the environmental impact.

Ms. McKay stated that the Town was part of the WRAS study and in 2010 updated all of our steep slope regulations although that is not in the Comprehensive Plan but there were a lot of regulations changed because of the WRAS study. There are more State regulations that are coming and we have to do our share as well.

Ms. Dorsey, 22565 Calvert Street, stated that she did her red galoshes testing today at the swamp at the end of Town Run which as a child she got her red galoshes stuck in the mud and today she went down and before the black marsh mud it was up to her thighs when means that that sediment and silt have accumulated significantly since those days. She would like to suggest for consideration that a fund, from the sale of each home, possibly be set up for the dredging of the Town Run for Breton Bay.

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

**Councilmember Combs moved to close the Public Hearing and open the regular meeting; seconded by Councilmember Roberts, motion passed.**

**Councilmember Roberts moved to approve the concept plan for Meadows at Town Run for a 107 lot single family development; seconded by Councilmember Combs, no further discussion, motion passed unanimously.**

**Planning & Zoning Report** – Jada Stuckert

The last Planning & Zoning meeting was held on September 19, 2016. There were three agenda items:

- Case No. 14-05**      **Clark’s Rest Architectural Plans**  
Request for Neo Traditional Designs were approved
- Case No. 92-07**      **Dr. Luke Office Building – 26220 Point Lookout Road**  
Request for Final Site Plan re-approval was approved
- Case No. 100-15**      **Meadows at Town Run – Wathen Farm**  
Request for Concept Plan was recommended to Town Council

The next Planning & Zoning meeting will be held on October 17, 2016, and we currently have one item on the agenda:

- Case No. 46-16**      **Bonnevier PIRD Application – 22565 Washington Street**  
Request for PIRD approval recommendation

**Police Report** – Laschelle McKay

Deputy Smolarsky is unable to attend today but she did provide Council with a written report. As you know, Deputy Smolarsky is retiring and her last official day will be November 17<sup>th</sup>.

**Town Administrator’s Report** – Laschelle McKay

**Authorization to Issue RFP for Appraisals of Town Property-** As part of the process for disposition of town owned property we are required to have appraisals done. I am requesting approval of the process for obtaining an appraiser. We propose that we issue an RFP to perform the required appraisals to the list of appraisers I have put together for local appraisers either listed in the phone book, online or ones we have formerly dealt with.

As part of the disposition process I am working with Funk and Bolton to prepare the required resolution and will plan to have a public hearing in November to get the process moving.

**Councilmember Hammett moved to approve issuing an RFP to the list of appraisers as presented for the appraisals that will be needed for the disposal of town property in the coming months; seconded by Councilmember Roger Mattingly, no further discussion, motion passed unanimously.**

**PIRD Zoning Request for Bonnevier property-22565 Washington Street-** The Bonneviere have purchased the Just property on Wharf hill. They are proposing tearing down the existing home. They need a reduced rear yard set-back and are requesting a PIRD overlay to reduce the rear setback. A copy of the Statement of Intent for the PIRD is enclosed in your packets which shows that this type of project is exactly what the PIRD was established for. The process is for the Town Council to refer the project to the Planning Commission, who will hold a public

hearing and recommend back to the Town Council. You will then hold a public hearing and make a final decision. A copy of the site plan is attached. They meet all of the set-backs except the rear is 25 feet in R-SF zone and they can only meet 9.62 feet at the closest corner of the house. All other requirements are being met.

**Councilmember Roberts moved to forward the PIRD application for 22565 Washington Street to the Planning Commission to begin the review process; seconded by Councilmember Combs, no further discussion, motion passed unanimously.**

**RV Request per 141-3 Leonardtown Code – Withdrawn and removed from today’s agenda.**

**Added to today agenda is the extension of Snow Removal Contract-** The snow removal contract with Bowles Farm was due to be rebid this fall. I would like to request we extend the contract through May of 2017 to give time to get through the snow season. With the office move and the number of projects going on, as well as the fall not being the best time to bid this contract, I have spoken to Bowles Farm and they are willing to hold their existing prices through the winter season. We would then rebid the contract in the spring. Bowles Farm does an excellent job with the snow removal for Leonardtown.

**Councilmember Combs moved to extend the snow removal contract with Bowles Farm through May 2017 at the current prices; seconded by Councilmember Roger Mattingly, no further discussion, motion passed unanimously.**

**Mayor’s Report** – Mayor Burris

Mayor Burris reported that he attended the National Walk to School Day at the Walter Francis Duke Elementary School and they had about 100 students that participated when they normally have about 60. When I announced they would be getting sidewalks along Hollywood Road they applauded.

**Events** – Roger Mattingly

Councilmember Mattingly reported that Pink Friday on October 7 included some creative artwork in the Uplifting Designs Bra Art Contest sponsored by the St. Mary’s County Arts Council, and older bras were modeled by the ladies of Southern Maryland Roller Derby. The Bootleggers were a hit on stage and money was raised for MedStar St. Mary’s Hospital Breast Cancer Awareness, Treatment and Support Programs.

The So. Md. Antique Power Association Annual Antique Tractor & Truck Parade was held on Sunday the 9<sup>th</sup> from 1 – 3 p.m. All proceeds will benefit Christmas in April of St. Mary’s. Thanks to Lee Dyson and John Vannatta for coordinating this effort.

The St. Mary’s Ryken 5K is set for Saturday morning, October 22 at 8:30 a.m.

Trick-or-Treat on the Square with local businesses will be held from 3 – 5 PM on Saturday, October 22, and will also include a pet costume competition with SMAWL and face painting with Southern MD Wine & Design/Art Buzz Kids. The time change was made at the request of parents so that they could bring the little ones after nap time, rather than during.



While the Blue Angels – for the sake of their health and safety - are not coming to the Pax River Air Show this year, many other highly skilled performers are. Therefore, it was determined that the Town would still provide the Block Party on the Square Meet & Greet on October 29, but shortened the time to 7 – 9 PM as we anticipate a smaller crowd. We will still have music with the U.S. Fleet Forces Band Navigators, as well as a signing tent and souvenir autograph books.

On Sunday, November 6 at 3:00 p.m. Leonardtown, MD will again host one of several National Youth 5K (NY5K) and 1 mi fun runs for youth and family. The race is timed, and will start at the Wharf and proceed through the back streets of Town. Roads will not be closed, but traffic may experience temporary delays based on the number of participants. This year also features the opportunity for kids to participate in the 6-week youth running clinic.

Plans are in process for a 2<sup>nd</sup> Fight Like a Kid Walk and Fun Run for Nolan Scully on Saturday, November 12 at 9 a.m. After almost a year of treatments and improvements, Nolan’s sinus cancer returned and the family was told to plan another full year of chemotherapy and radiation. Anyone wishing to contribute to this cause or register for the race can contact Haley Lloyd at the LVFD.

“Christmas on the Square” will be held on Friday, November 25<sup>h</sup>, 5 PM – 9 PM. The Committee is currently booking stage entertainment and various holiday activities for the event. The Leonardtown Volunteer Fire Department is very supportive of this event, providing the sleigh, carriage, train, and hay rides, and coordinating Santa’s arrival and tree lighting.

The Leonardtown Volunteer Rescue Squad Auxiliary’s “Christmas Festival” – including a large model train display, raffle and silent auction – will also be on Friday, November 25<sup>th</sup> at the Winegardner Auto showroom from 5 – 9 p.m.

Santa and Mrs. Claus return to the Square on Saturday, December 10. Please note the new time: 2-4 p.m. to better accommodate lunch/nap time schedules.

It is our pleasure to announce that Governor Hogan will be joining us again this year. In the event of inclement weather, the parade would be cancelled, but the memorial ceremony would be held at St. Mary’s Ryken High School.

In addition to regular planning, the Committee is pre-planning a WWI tribute with the help of County Tourism for next year and a Vietnam Tribute sometime in the next 3 years.

At the recommendation of Cpl. Smolarsky, the Town is beginning a partnership with the local chapter of the Young Marines. We look forward to having their assistance during the Veterans Day Parade and possibly Christmas on the Square this year.

We have 9 weddings scheduled for the month of October – 3 of which were booked within the last week.

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

October 15-16	SAT 10 AM-6 PM SUN 11 AM-6 PM	SMC Oyster Festival @ Fairgrounds
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Saturday, October 15	9 AM – 4 PM	Coastal Arts Market, Port of Leonardtown
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Saturday, October 22	8:30 AM	St. Mary's Ryken 5K
<b><u>Upcoming Events of Interest/Meeting Reminders:</u></b>		
Saturday, October 22	3 – 5 PM	Trick-or-Treat on the Square
Wed., October 26	5:30 PM	Chamber Business After Hours @ Lola Belle and Flooring Max 26288 Point Lookout Rd. Leonardtown
Saturday, October 29	7 – 9 PM	Blues Block Party on the Square Pax River Air Show Meet & Greet
Fri., November 4	5 PM – 8 PM	Celebration of First Fridays in Leonardtown
Sun., November 6	3:00 PM	National Youth 5K @ Leonardtown Wharf Park
Fri., November 11	10 AM HOLIDAY	Veterans Day Parade Veterans Day – OFFICES CLOSED
TBD	8:30 AM	Leonardtown Business Association Meeting
Sat., November 12	9 AM	Fight Like a Kid 5K for Nolan Scully @ LVFD
Thurs., November 17	11:30 AM	State of the St. Mary's Public Schools Luncheon @ Elks Lodge, 45779 Fire Department Lane, California
Thurs., November 24 Fri., November 25	HOLIDAY	Thanksgiving – OFFICES CLOSED
Fri., November 25 (Rain date: Sat., Nov. 26 @ 7 PM)	5 PM – 9 PM	Christmas on the Square & Tree Lighting Leonardtown Square
Fri., November 25	5 PM – 9 PM	Christmas Festival Winegardner Showroom
Sat., Dec. 10	11 AM – 1 PM	Santa & Mrs. Claus on the Square

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

Councilmember Hammett reported that there are a number of new townhomes and single family homes being built and some of the larger projects continue to be moving through the process.

**ENR Upgrade** – Tom Combs

Councilmember Combs reported that things are moving along efficiently with a few minor hiccups with the EPA to be resolved shortly.

**SMMA Update** – Leslie Roberts

Councilmember Roberts reported that the Maryland Municipal League is having their Fall Conference this week in Solomon’s Island. I, Jay Mattingly, and Roger Mattingly will be attending the full conference with Hayden Hammett, Laschelle McKay and Mayor Burris joining us at the Welcoming Reception and Dinner. On November 9<sup>th</sup> we have the SMMA Chapter meeting hosted by North Beach and on December 14<sup>th</sup> we will host the Legislative dinner here at the new Town Hall.

**Safety and Emergency Preparedness** – No Report

**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 Combs moved to adjourn the regular meeting at 5:23 p.m.; seconded by Councilmember Hammett, no further discussion; motion passed unanimously.**

Respectfully Submitted:

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Teri P. Dimsey

**Approved:**

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Daniel W. Burris, Mayor

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Leslie E. Roberts, Vice President

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Thomas M. Combs, Councilmember

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

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Absent  
J. Maguire Mattingly IV, Councilmember

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Roger L. Mattingly, Councilmember