



Commissioners of Leonardtown

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DANIEL W. BURRIS
Mayor

LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown Town Council Meeting Minutes May 13, 2019

Attendees: Daniel W. Burris, Mayor
Tyler Alt, Council Member
Hayden T. Hammett, Council Member
Christy Hollander, Council Member
J. Maguire Mattingly IV, Council Member
Mary Maday Slade, Council Member

Also, in attendance were: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Beth Sandberg, Office Manager; Teri Dimsey, Executive Secretary; Brandy Blackstone, Events Coordinator; Jada Stuckert, Planning; Deputy Nelson; Rick Bailey/Marvin Oursler, Marrick Homes; Joe Kadjeski, G.O.A; Val Deptula, The Good Earth; Kyle Kebaugh, CSM; Gordon/Nick Stellway, O'Brien Realty; A complete list of attendees is on file at the Town Hall.

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

Mayor Burris noted that we have two public hearings today and then entertained a motion to approve the April 8, 2019 minutes as presented.

Approval of Minutes

Councilmember Mattingly moved to approve the April 8, 2019 minutes as presented; seconded by Councilmember Slade, motion passed.

Proclamation for Good Earth Natural Foods Stores 20th Anniversary

Mayor Burris invited Ms. Deptula to join Council up front.

Councilmember Slade read the Proclamation out loud. The Mayor and Council congratulated Ms. Deptula on her twenty-year anniversary.

Ms. Deptula accepted the Proclamation and thanked the Mayor and Council. She also noted that the store was actually started in 1996 by Susan Favia and she purchased it from Ms. Favia in 1999.

Ms. McKay announced that Ms. Deptula also recently purchased the building that Good Earth resides in.

COUNCIL: TYLER ALT HAYDEN T. HAMMETT
CHRISTY HOLLANDER J. MAGUIRE MATTINGLY IV MARY MADAY SLADE

Ms. Deptula thanked the Mayor, Council and Staff for all that you've done for the Town.

Treasurers Report – Rebecca Sothoron

Ms. Sothoron reported that no money was transferred to or from the checking account to the LGIP during April. We are 84 percent through the budget year. Reminder tax notices were mailed out as a courtesy to customers at the end of April.

Introduction of Ordinance 191 – Setting the Tax Rate and Adopting the FY20 Budget.

The Charter does require that the annual budget be introduced and adopted by ordinance. We are on schedule to have a public hearing for the budget in June and then thereafter adopt the budget ordinance. This ordinance is being introduced with the current tax rate of .1266 cents.

Award the Audit Contract

A fair amount of work was required to prepare. We kept our previous audit firm for quite a number of years and they informed us they would no longer be doing this type of audit service so we put the Audit Contract out to bid. In your packet is a very detailed summary of the steps that were taken to get us to this point. We received ten proposals and the committee which consisted of the Mayor, the Town Administrator and myself, reviewed all the technical proposals independently of one another. A summary of the price proposals that were opened after we all scored each submission. We followed up with calling references for the top three and then the committee got back together. We reviewed those references and made the decision to recommend the award to BBD. We are wording the contract so that we have five one-year options, so, if we are not pleased with the first year, we are not obligated for five years.

Ms. McKay remarked that Ms. Sothoron did a significant amount of research and preparatory work for this audit contract.

Councilmember Mattingly moved to award the audit contract to BBD, LLP for one year with four one-year extensions per the April 30, 2019 bid results; seconded by Councilmember Slade, no further discussion, motion passed unanimously.

Budget Amendments BJ01-19, BJ02-19 and BJ03-19.

BJ01-19

Establish revenue source and project appropriation for Community Parks and Playground grant passed through to St. Mary's County Government. Proceeds used to renovate Miedzinski/Weick Playground on the Governmental Center campus.

BJ02-19

Modify revenue estimates for FY19 based on YTD results

- 1) Establish revenue source for sale of Proffitt Building condo
- 2) Increase property tax revenue estimate
- 3) Reduce income tax revenue estimate
- 4) Reduce accommodation tax revenue estimate

BJ03-19

Modify appropriations for FY19

- 1) Carryover FY18 appropriation for 2nd floor AV system, carpet and paint
- 2) Carryover FY18 appropriation for Welcome Signs update
- 3) Carryover FY18 appropriation for Town Hall construction modifications, elevator and sprinkler expenses

Ms. Sothoron remarked that most of these were budgeted in the previous years but in order for it to display on our budget reports, I have to show that the money is being carried forward.

Councilmember Hammett inquired about the first line item for the second budget amendment, it says to establish the revenue source for the Proffitt Building condo. Don't we already have a line item under the General Fund.

Ms. Sothoron noted that we do and that does show actual receipts into another income amount. This amount was not budgeted because there was no firm date for a sale. We did not budget for that income until we knew the final sale date. This \$182,000 will be added to the previously approved budget on the financial report.

Councilmember Hammett asked if we budgeted for this last year?

Ms. Sothoron responded that it did not show up in a budget report.

Councilmember Hammett noted that he would prefer that line item to see the original budget and actual as it looks like we had a significant difference so if there is a question we would know exactly where it came from and show up as an unbudgeted line item.

Ms. Sothoron remarked that the Charter does require that the budget be balanced. So, if I don't recognize a revenue source when I know it's actually going to happen. We're going to show a deficit in the general fund overall, which is a violation of the charter.

Councilmember Hammett noted that was additional income not additional expense to show a surplus.

Ms. Sothoron replied yes but, this also offsets the additional expenses on the next stage. So, the net effect to fund balance is insignificant, but if I didn't recognize this income and I only recognized the extra expenses then we would have a shortfall for the general fund.

Councilmember Hammett responded that his point is that the money will come in as income and show up under the actual line regardless of whether we make an amendment to the budget.

Ms. Sothoron noted that is correct but, we operate on a budgetary basis, so if your budget isn't balanced that is a violation of the charter in technical terms, as you always want to have as much revenue budgeted as you have expenditures budgeted.

Councilmember Hammett said so in this case we have more revenue than we budgeted.

Ms. Sothoron stated that you have more actual revenue and you can show a surplus at the end.

Councilmember Hammett explained that if we go forward with the third budget amendment to amend what we plan to spend and it wouldn't balance because it would have showed that we plan to spend more than what you're bringing in.

Ms. Sothoron replied yes.

Councilmember Hollander moved to approve Budget amendments BJ01-19, BJ02-19 and BJ03-19 as presented; seconded by Councilmember Mattingly, no further discussion, motion passed unanimously.

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

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

Public Hearing Ordinance No. 190 Chapter 62-Development Impact Fees

Ms. McKay stated that last month we introduced **Ordinance No. 190 Chapter 62-Development Impact Fees.**

Based on the findings of the 2019 Water Capacity Management Plan presented to the Council at the March 12th meeting, a new well and water storage tank are needed to support planned growth. Funding for growth related projects are paid for by impact fees. The water impact fee is currently \$1,800 and has been in effect since 2004. The sewer impact fee is \$13,000, set in 2006. The new water impact fee is proposed to be \$3,000. This hearing was advertised in the County Times on 4/18/19 and on the Town website. No comments have been received. This Ordinance is amending Chapter 62, Development Impact Fees and it affect projects that had not received any building permits prior to April 1, 2019. This would be for new development at The Meadows at Town Run and other smaller projects that come forward in the future.

Mayor Burris commented that this means that our current residents and businesses do not pay for the additional infrastructure that is needed for the future growth.

Mayor Burris opened the floor up for comments.

There being no public comments or questions, Mayor Burris entertained a motion to close the Public Hearing and open the regular meeting.

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

Mayor Burris moved on to the next order of business.

Planning & Zoning Report – Laschelle McKay

The last Planning and Zoning meeting was held on Monday, April 15, 2019 with two cases heard.

Case No. 14-05.5 Leonardtown Self-Storage – 25850 Point Lookout Road

Request for recommendation of Final Site Plan Approval for a Self-Storage Facility

Case No. 38-17 Woods View Subdivision–Map 121, Parcel 23 – Greenbrier Road

Request for 3 Lot Single Family Subdivision Approval - Approval was given to subdivide the lot that was on Greenbrier.

There being no items to be heard for the May agenda the next Planning & Zoning meeting will be held on Monday, June 17, 2019.

Police Report

Deputy Nelson reported there is a lot of activities being conducted in the local schools and project graduation coming up at the end of May.

Mayor Burris returned to Ordinance #190.

Ms. McKay remarked that the Ordinance was introduced last month and Council needs to take action.

Councilmember Alt moved to approve Ordinance No. 190 – Chapter 62 Development Impact Fees increasing the water impact fee to \$3,000; seconded by Councilmember Slade.

Discussion:

Councilmember Hammett remarked that this seems to be a little bit of a policy change based on the comments that we received from the auditors over the last few years. We have not made the decision to go forward with the 2% increase to the customer base and the fees every year and that's something that our auditors brought up and so that's something that we passed by ordinance so that there's a little bit of a disagreement between that ordinance still being in place and us not keeping up with that 2% basically because we didn't need to. Now it seems we're shifting from when that ordinance was put in place, which I think was before any of us were here.

Ms. McKay responded that impact fees are completely separate from the residential service fee.

Councilmember Hammett responded that he understands the different ordinances, it just seems like we made the decision not to go forward with the fee increases on the service side, but now we're going forward with an increase on the impact fee for the new development.

Ms. McKay noted it is because it's a different pot of money and we just reviewed in March the water Sewer Master Plan report that shows that we do have a need for the well and the water storage tank and new growth pays for those items so that current residents don't. So, the impact fees keep us from affecting the other fees you're talking about. They're not tied together at all.

Councilmember Hammett stated that he is questioning whether we should, from a policy standpoint, go forward with maybe repealing the fee increase ordinance that we haven't kept up with before we would make a decision to increase the development impact fees, but understands they're not directly related and they are all Enterprise fund money.

Ms. McKay responded that Council does make a decision each year when passing the budget of rather you're going to do the increase on the service charges. We will be addressing some of this at the upcoming budget workshop.

Mayor Burris stated that there is a motion on the table by Councilmember Alt to approve Ordinance No. 190 – Chapter 62 Development Impact Fees increasing the water impact fee to \$3,000; seconded by Councilmember Slade.

Mayor Burris asked for a vote.

Councilmembers Alt, Hollander, Mattingly, Slade voted in favor. Councilmember Hammett opposed. Motion passed.

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

Public Hearing- Final Site Plan for Clarks Rest Self Storage Facility

Ms. McKay reported that the Clark's Rest PUD received its final approval in February of 2012 which included commercial spaces on Route 5. Today, the applicant is requesting recommendation to Town Council for final site plan approval for a 97,322 sq. ft. self-storage facility. The facility will consist of one three (3) story building with an office, a second one (1) story building, and a paved boat and recreational vehicle (RV) storage area.

Due to the location of the facility Town Staff has requested additional buffering on all sides of the facility and additional lighting in the boat/RV storage area. The developer has agreed to these requests and have included them on the site plan. There is an additional 36,000 sq. ft. set aside for future expansion in the Northeast corner if needed. Required parking for the facility is based on the number of employees in the office area. The total number of required parking spaces for the facility is two (2) however the developer is providing six (6) designated parking spaces.

The Planning and Zoning Commission reviewed the project on April 15, 2019 and indicated concern with the size and architectural aspects of the three-story building. Since then, the architect has lowered parapet #4 by three (3) feet, dropped the cornice line at parapet #2 to visually lower the height of the building, and removed some of the decoration at the third level to downplay the height of the building. The wall sign was also modified to meet the 100 sq. ft. requirement. Prior to the issuance of a building permit Fire Marshal approval will be obtained.

We did advertise this public Hearing in the County Times on April 25th, as well as, posting on our website. Included in your packet is information from the February 12, 2012 meeting where they received their final site plan approval along with draft minutes from the April 15, 2019 Planning Commission meeting, some architectural drawings and a site plan. We have Mr. Rick Bailey here today to do a small presentation, answer any questions.

Mr. Bailey thanked the Commissioners for welcoming him. He provided architectural drawings to show the design of the building and how it was re-worked from the previous suggestions. He went on to explain the impact to Route 5 and the Clark's Rest neighborhood.

Mr. Bailey explained that this storage facility was felt to be the most appropriate use for this parcel especially as low traffic generator. We viewed the frontage along Route 5 as a critical component that would be important for us to develop commercially and important for the Town. We approached a number of potential commercial users for this site including such entities as Starbucks, Dunkin Donuts and Burger King but we were rejected by each of them. The reason for that is that those type of businesses are looking for access points off of controlled intersections or major intersections or junction points off of Route 5 specifically, hopefully in the not-too-distant future there will be a traffic light here. If we could have had an access point off of that we probably would have been able to attract one of those type of users. We were approached by a dollar store and a discount food store each of those we did not like in terms of the use for the property for two reasons, the traffic generation that would be required for both of them and that they are not architecturally attractive. Therefore, we presented the storage facility to the Planning and Zoning Commission and are back today having addressed and redesigned the building as per the changes discussed at the Planning and Zoning Commission meeting.

I'll be glad to answer any questions that you may have.

Mayor Burris asked if anyone in the audience has any questions.

Mr. Gordon Stellway, 22774 Avenmar Drive, Leonardtown asked to view the drawing of the elevation of what the building will look like along Route 5. He asked if it needed to be three stories?

Mr. Bailey replied yes in order to meet the needs of the facility and a lower height would spread the facility out to a much larger building.

Mr. Stellway noted that in his personal opinion he feels the elevation is too tall and the building looks too large.

Mayor Burris asked for any other comments? There being no comments, he entertained a motion to close the Public Hearing and open the regular meeting.

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

Councilmember Hollander asked why they were looking for low traffic type usage, were there improvements that would have to be made?

Mr. Bailey responded that any commercial use you can pull the traffic count down is a positive for the intersection and the neighborhood and less problems along the Route 5 corridor.

Councilmember Slade asked if any thought had been given to putting up a commercial office building?

Mr. Bailey noted that that would also be a high traffic generator. We were not comfortable with this being a reasonable use for the market rate you can get at this time for this location.

Councilmember Mattingly inquired about the boat and RV storage, would that be visible to Route 5 or homeowners in Clark's Rest?

Mr. Bailey stated that all the RV/boat parking is along the back side of the building shielded by a wooded area and the building shields it from the homes. There will be also be some planting to offer some buffering from the road and the homes.

Councilmember Slade was concerned that the foliage and plants may die, would Marrick Homes replace those in future years.

Mr. Bailey stated that they plan to retain ownership and will continue to oversee this responsibility.

Ms. McKay noted that we do sometimes provide a planting agreement and we can do this with this project if needed.

Mayor Burris noted that it looks like you can see the sliding doors from the inside of the three-story building and asked if that could that be changed to look more like an office building and not a storage building.

Mr. Bailey stated that it could be given a tinting to look less obvious.

Councilmember Hollander remarked that she is not a big fan of this storage facility as it looks so big and is right on the main road and as you come into Town it does not fit the look of the Town.

There was some general discussion in regards to changing the shape of the building to more of an L shape to provide screening of the RV/Boats so they would not be visible from Route 5 nor the Clark's Rest homes.

Mr. Bailey remarked that they will be willing to work with staff on the design improvements and show the type of lighting and landscaping planned, as discussed today.

Councilmember Hammett asked to have the future expansion lot noted as proposed.

Councilmember Hammett remarked that he would prefer the motion be approved with amendments. He doesn't feel a delay is appropriate.

Councilmember Hammett moved to approve with the requested amendments.

Mayor Burris asked for a second.

There being no second, Mayor Burris asked if there was another motion.

Councilmember Alt moved to delay the final site plan action for Clarks Rest Self Storage Units located at 25850 Point Lookout Road until revised as requested; seconded by Councilmember Mattingly, no further discussion.

Councilmembers Alt, Hollander, Mattingly, Slade voted in favor; Councilmember Hammett opposed, motion passed.

Town Administrator's Report – Laschelle McKay

CSM Presentation to Request Community Parks and Playground Grant Partnership

The College of So MD is asking the Town to apply for a Community Parks and Playground pass through grant to allow them to build an outdoor exercise equipment area for \$55,533 and pickleball courts for \$180,251 for a total of \$235,784.

Mr. Kyle Kebaugh will be making a presentation describing the project. Ms. Kim Yellman is also in attendance to answer any questions.

Mr. Kebaugh thanked the Council for their attendance and began a power point presentation outlining and describing the project.

Mayor Burris remarked that he has a client who travels extensively for pickleball tournaments but she said that we do not have any covered pickleball courts nearby.

Councilmember Hollander asked if anyone can use the exercise equipment or do you have to be enrolled in CSM? Also, will there be lights at the pickleball court?

Mr. Kebaugh said it was open to the public to use but hopeful that they would explore programs offered by CSM utilizing the equipment. No lights are planned at this time but we will look into doing that.

Councilmember Hammett inquired if they could mark the courts for other various uses.

Mr. Kebaugh responded that pickleball courts are smaller than tennis courts. We are exploring other options for more multi-uses if possible. We will be tracking the demographics to help determine what works best and provides the most valuable use for the community.

Ms. McKay remarked that some of the other neighborhoods have decided not to do basketball courts because neighbors have complained. It tends to be too loud and noisy but there are a few courts, not in such good repair though, around the community.

Councilmember Hammett noted he was concerned about the walking connectivity as there are no sidewalks along the north side of the campus. He would hope to see some sort of connectivity to connect the campus to the existing sidewalks.

Mayor Burris asked for consensus to move forward.

Councilmembers gave consensus.

Mayor Burris addressed a young child in the audience who had a question.

The young child asked if the equipment could be used by little kids and are pets allowed.

Mr. Kebaugh responded that generally it is advised that children be at least 13 years old to use the fitness equipment for safety reasons but you can use the park and the pickleball courts to play at any age. Unfortunately, pets are not allowed on campus.

Award Leonardtown Floating Dock Bid

The floating dock project was publicly bid. The RFP was sent out to approximately 150 MD Licensed contractors. We received 2 bids on May 7, 2019. Both were over the budgeted amount remaining from our grant and previously budgeted funds. (\$321,449) We bid the project in 2 phases. SE Davis was the low bidder at \$349,667 for phase 1 and \$82,654 for phase 2. We are required to provide a pump-out station for over 10 slips and have a \$15,000 grant for that. We still need \$27,000 for that part of the project.

Staff is recommending building phase 1 at this time and delaying phase 2 and the pump station. We would apply for additional funding for the pump station and phase 2 as DNR grant guidelines are changing 7/1/19 and we would be eligible for additional funds. The additional amount needed from Town funds for phase 1 would be approximately \$48,218, which includes an estimate for inspection/engineering through construction of \$20,000. We are recommending GHD to continue with overseeing submittals and technical questions that arise. We also recommend using Tim Beckwith, a local former marine contractor, to supplement inspections locally.

Councilmember Hammett moved to award the floating dock bid to SE Davis Construction, LLC in the amount of \$349,667 for phase 1 and to continue with GHD for needed engineering and Tim Beckwith for inspections; seconded by Councilmember Mattingly, no further discussion, motion passed unanimously.

GHD Amendment to Task Order #17-Floating Dock Design

In February 2017 we bid the engineering for the Wharf Floating Dock and received 4 bids ranging from \$24,860 to \$42,500. GHD was the low bidder at \$24,860. The permit process was handled as much as possible by staff but there were numerous changes that had to be made to the engineered drawings to satisfy MDE and Army Corp. We finally received both permits in December 2018 after one year and one month. Additional support was needed for getting the project out to bid and attending the pre-bid meeting. I am requesting an additional \$5,551 from the project budget to fund the cost overruns on the engineering of the project to date. The construction engineering will be a separate item as part of the larger construction project.

Councilmember Mattingly moved to amend GHD task order #17 for Wharf Floating Dock Engineering by \$5,551 for a total of \$30,411 due to the extended permit process coordination; seconded by Councilmember Slade, no further discussion, motion passed unanimously.

Contract for Sale of Condo #301 at 41660 Courthouse Drive

On April 30, 2019 we went to settlement on condo unit #300 yielding \$182,152.23 after a sales price of \$197,000. It is anticipated that we would yield \$181,022 on this contract if accepted. If accepted we would finalize the sale by ordinance next month.

Councilmember Mattingly moved to authorize Mayor Burris to sign the contract for sale of condo unit #301 at 41660 Courthouse Drive in the amount of \$195,500 to Alonso Real Estate Investment Group, LLC; seconded by Councilmember Hollander; no further discussion. Councilmembers Alt, Hammett, Hollander, Mattingly voted in favor. Councilmember Slade abstained. Motion passed.

Mayor's Report – Mayor Burris

Mayor Burris reported that the hotel did sell and they hope to begin renovations and looking at making the kitchen a larger commercial type facility. The Slice House is doing wonderfully. The Hamptons have 21 of the units leased to date.

Events – Brandy Blackstone

For the summer concert series, we are excited to offer ordering a picnic from participating restaurants in Town offering light refreshments to a full meal and a bottle of wine, and you can also enjoy a kid-free evening with Drop N' Dine where children will be entertained with kid-friendly activities at participating businesses (by reservation only). Check out www.leonardtownmusicfest.com

Upcoming Events of Interest

Saturday, May 18th

Zumba Fitness Around Town, POL, 8:30 a.m. – 9:30 a.m.
Coastal Arts Market, Wharf, 9:00 a.m. – 3:00 p.m.

Leonardtown Summer Music Festival Presents: U.S. Navy Band Country Current in Concert on the Square, 6:00 p.m. – 8:00 p.m.
In honor of Armed Forces Day

Thursday, May 23rd

Leonardtown Summer Music Festival Presents: LHS Jazz Band Concert @ the Wharf, 6:00 p.m. – 7:30 p.m.

Saturday, May 25th

Life's Good in LG 5k and Fun Run, 8:00 a.m.
Zumba Fitness Around Town, POL, 8:30 a.m. – 9:30 a.m.

Monday, May 27th

Leonardtown Summer Music Festival Presents: SMYOC Concert @ the Wharf, 5:00 p.m.

Community Development and Planning – Hayden Hammett

No updates at this time. It was noted that Clark's Rest is set to sell about 50 homes this year.

Utilities – Christy Hollander

No updates at this time but she did attend a few of the Town events and has had a great time.

SMMA Update – Jay Mattingly

Councilmember Mattingly reported the MML Summer Conference is coming up at the end of June. He attended the last of the MML Board of Directors meeting but will be returning as District Vice President for another term. The next SMMA meeting will be September 11, 2019 hosted by Chesapeake Beach.

Business Development/Retention – Mary Maday Slade

Councilmember Slade reported that Ms. McKay, Councilmember Hollander and herself worked the Town booth the St. Mary's Chamber of Commerce Business Showcase. We showcased our new display banners and received a lot of great feedback. Met with some of the businesses along Fenwick Street and they are working on putting together a block party sometime in June.

Mayor Burris asked for any other business.

Mr. Charles Reid introduced himself as a resident and asked to address a previous issue he had brought up last September. He still feels that the Ordinance #182 enacted to be required to obtain a permit to consume alcohol at Leonardtown Wharf is unnecessary. He feels that he and other individuals should not need to obtain a permit if all they want to do is have a beer or two while enjoying the Wharf park. His primary concern was that there wasn't very much public input. Council was going to take it under consideration and review it and get back to me and was wondering if anything has been moved or discussed about his concern. He is very dissatisfied with the way that that ordinance itself was implemented and specifically how it pertains to just ordinary people consuming their own alcohol and eating crabs. There were no instances that could be cited by the police or anything else of problems at the Wharf as a result of being able to consume alcohol. The Ordinance does not provide an avenue for an individual to be able to get a permit, it is very vague and it only applies to public events or organizations.

Mayor Burris responded that we feel our ordinance is very liberal as it compares with the county as we do allow alcohol but only with the required permit for events. We do not limit the permit only to events, individuals may apply for a permit but only for one day at a time with Town approval.

Councilmember Hammett noted that he did not feel the ordinance was intended to limit the consumption of alcoholic beverages by individuals at just the Wharf. We are trying to keep all of the Town park space whether it be the square, the Port of Leonardtown Park or the wharf and these are all public spaces that people are allowed to use for events.

So I think the discussion is a larger discussion than whether an individual can consume a beer and public property because it really starts to open the door to what our public consumption laws are and there are a couple other towns in the state that have broached that and for events, they've been able to allow public consumption of alcohol on public spaces, but I don't believe that any of them allow that on an individual basis without there being an event schedule. Berlin is the one that comes to mind as they allow people to walk around town during events.

Ms. McKay stated that the only one we're allowed to do so within a confined area is the Taste of St. Mary's. We had a lot of pressure from the Alcohol Beverages Board and from the police on how our ordinance was written and allowing people to drink on the public property. We did not want to give up our right to have, for instance, the concerts if we

wanted to have a limited area where people can have a bottle of wine or events at the Wharf or the winery so we came up with the language for the ordinance and we did go through the proper public process. It was advertised. It was a multiple month process. It was very publicly advertised as we are required to do. We did have a lot of pressure from both of those entities to re-do our ordinance and to make it more so that you have to have a permit just someone can't just walk down the street with an open container and we were in jeopardy of losing all of our benefits if we did not come up with a strategy.

Mr. Reid responded that he appreciates the feedback and explanation and will stop by the Town Hall to fill out an alcohol permit request to have crabs and a beer on his own at the Wharf.

Mayor Burris entertained a motion to adjourn.

Councilmember Hollander moved to adjourn the regular meeting at 6.00 p.m.; seconded by Councilmember Hammett, motion passed unanimously.

Respectfully Submitted:

Teri P. Dimsey

Approved:

Daniel W. Burris, Mayor

Tyler Alt, Councilmember

Hayden T. Hammett, Councilmember

Christy Hollander, Councilmember

J. Maguire Mattingly IV, Councilmember

Mary Maday Slade, Councilmember