



Commissioners of Leonardtown

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DANIEL W. BURRIS
Mayor

LASCHELLE E. McKAY
Town Administrator

Commissioners of Leonardtown **Town Council Meeting Minutes** **June 10, 2019**

Attendees: Daniel W. Burris, Mayor
Tyler Alt, Council Member
J. Maguire Mattingly IV, Council Member
Mary Maday Slade, Council Member

Absent: Hayden T. Hammett, Council Member
Christy Hollander, Council Member

Also, in attendance were: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Teri Dimsey, Executive Secretary; Jada Stuckert, Planning; Rick Bailey/Marvin Oursler, Marrick Homes; Joe Kadjeski, C.O.A; CSM; Gordon Stellway, O'Brien Realty; Kennedy Abell, Resident; Whitesell, Resident, Susan Carney, Resident, Mr. & Mrs. Ludwig, Residents; Mr. & Mrs. Isleib, Mr. Hammett, Resident. A complete list of attendees is on file at the Town Hall.

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

Mayor Burris noted that on today's agenda, we have a Proclamation presentation to Mr. John Wharton, a Public Hearing to adopt Ordinance No. 191 – FY20 Budget and Setting the Tax Rate and we are also introducing Ordinance No. 192 Sale of Surplus Property #031 at 41660 Courthouse Drive.

Approval of Minutes

Councilmember Mattingly moved to approve the May 13, 2019 minutes as presented; seconded by Councilmember Slade, motion passed.

Mayor Burris invited Mr. John Wharton up to the front and noted that he met John in 1985 when he first ran for Town Council. Mr. Wharton has been around Town for quite a while and we sincerely appreciate everything he has done and wanted to acknowledge and recognize his valuable contributions.

Therefore, we present this Proclamation:

Whereas, the Leonardtown Community wishes to recognize John Wharton, on his retirement, May 31, 2019, as a news reporter for The Enterprise newspaper who covered many Town Council meetings, Planning and Zoning meetings, along with quite a few special events over a span of 34 years; and

Whereas, John Wharton strove to objectively report, write and publish fair and accurate news to serve the community for which we thank him for his representation;

Whereas, John took time to listen to people's concerns, and was committed to upholding the responsibility of informing our community. His specialty was engaging personally with the residents and business people to gain a true understanding of the subject for his articles; and

Whereas, a special visit was fondly looked forward to by the Town staff every Christmas holiday when John would stop by to serenade us with his fiddle and have the staff join him in singing his special rendition of "Blue Christmas"; and

Now, Therefore, We, the Commissioners of Leonardtown invite all citizens of the Town of Leonardtown to reflect upon and honor the positive impact John Wharton has for imparting his love of commentary and journalism and wish him the very best decades of retirement enjoyment. Congratulations from myself, Council and Town Staff.

Mr. Wharton thanked everyone for their support and acknowledgement.

Treasurers Report – Rebecca Sothoron

Ms. Sothoron reported that during the month \$500,000 was transferred to the LGIP. We are 92% through the budget year. At the end of May we received a third quarterly income tax receipt from the Comptroller. It is the exact same as the previous two quarters. So, until August, during the final distribution for FY19, we will not quite know where we stand and ultimately, it's not until November and all the items are recorded that we will know exactly what trend we are on for income tax.

The water service charges will likely come in slightly under budget for FY19, but there is also a corresponding surplus on the expense side. So, the department as a whole should yield a positive result for the year.

In the recommended budget, that is on the table for the public hearing tonight, the service charge estimates have been dialed back for FY20 as the result of the activity for FY19.

We've talked several times about the in-house network and are currently rolling out, in phases, a major server upgrade. The next phase is scheduled to be done at the end of this month. The utility billing web payment portal, that customers see when they log on to make payments and see their account activity, will also be upgraded at that time. We will utilize our social media to let people know that it will look different and have enhanced capabilities. The biggest improvement is that it is intended to work on all platforms. Right now, we do have some customers that struggle using their phones to make payments and it will also provide more information in a graphic display that a lot of people like to see.

Planning & Zoning Report – Jada Stuckert

The last Planning & Zoning meeting was held on April 21, 2019 with one item on the agenda:

Case No. 23-15 - The Shoppes at McIntosh – 25805 Point Lookout Road
Request for Final Site Plan Approval for an approximately 9,500+ sq. ft. building

There are two (2) items on the Monday, June 17, 2019 P&Z Agenda.

- **Case No. 30-16 - SMECO Expansion – 23365 Hollywood Road**
Request for Final Site Plan Approval
- **Case No. 1-15 - Seymour Building Commercial Floor – 22680 Washington St.**
Request for Architectural Plan Review and Approval

Police Report – Deputy Nelson

Corporal Nelson is unable to attend today's meeting but provided Council with a written report.

Mayor Burris entertained a motion to close the regular meeting and open the public hearing on Ordinance No 191 on Adopting the FY20 Budget and Setting the Tax Rate.

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

Mayor Burris asked Ms. Sothoron to report.

Ms. Sothoron reported that this public hearing was advertised in the County Times, the Enterprise, on the Town website and the Town of Leonardtown Facebook page. We have not received any comments.

A copy of the recommended budget along with a very detailed budget message and the proposed utility charges were posted on the Town website.

Council held a budget workshop on May the 28th and some minor changes were included in this recommended budget.

The tax rate is proposed to stay the same at .1266 per 100 dollars of assessment.

The State Department of Assessments and Taxation has calculated the constant yield tax rate to be .1277 which is higher than what you're proposing to adopt.

The only utility service charges are proposed to change is trash. The water rates will change by 0%, the sewer rates will change by 0% and the trash charges for residential and commercial will increase between 17% and 35% percent.

Recycling rates for commercial accounts will change between 23% and 43% percent and the bay fee will remain at \$15 per quarter.

As a reminder, at a previous council meeting, the water impact fee was already increased to \$3,000 for permits that were not grandfathered by April 1, 2019.

Councilmember Mattingly remarked that Council discussed increasing trash collection to twice a week, which was the better deal. One day collection was only \$8 more than twice a week. There wasn't that big of a decrease but, it was less than ten dollars per quarter.

Mayor Burriss opened the floor up to the public for any comments or questions regarding the budget.

Hearing none, Mayor Burriss entertained a motion to close the public hearing and open up the regular meeting.

Councilmember Mattingly moved to close the public hearing and open the regular meeting; Councilmember Slade seconded; motion passed unanimously.

Mayor Burriss entertained a motion to approve the budget as presented.

Councilmember Mattingly moved to approve Ordinance No.191- Adopting the FY20 Budget and Setting the Tax Rate; seconded by Councilmember Slade, motion passed unanimously.

Town Administrator's Report – Laschelle McKay

Final Site Plan - Clark's Rest Self Storage Facility

This case was tabled following the public hearing at the May 13, 2019 Town Council meeting to allow for the owner to make some requested revisions to the site plan and architectural design. We received a couple of letters today and, even though the public hearing is closed, Council has been provided copies prior to today's meeting. Mr. Rick Bailey is here today to address some of the changes per your request last month. Council wanted to bring the case back after some concerns and see how they were addressed.

Mr. Bailey thanked the Mayor and Council for the opportunity to come back again after receiving comments from the last meeting. He has a number of renderings to explain the changes and revisions that transpired from their questions and concerns.

Mayor Burriss asked about the security system.

Mr. Bailey explained that the facility will be operated by CubeSmart which they currently use with their other properties. It will be a secured site, with a secured gate that will require a code to access and enter the site. The only access will be off of Route 5. There will be limited hours, dusk to dawn, so it is not 24/7. This facility will have cameras and monitors throughout the facility. CubeSmart will monitor the cameras and the security of the facility. The lighting will be controlled by a time clock during the hours of operation and the lights will be night sky friendly, meaning they project down and not out.

Mayor Burriss inquired about the traffic projections for going in and out of the facility.

Mr. Bailey remarked that traffic is one of the reasons they chose this storage facility as the appropriate use for this lot as it is a very low traffic generator. The standards for a self-storage facility of this size would typically be about seven vehicles per hour on the busiest day and Saturday may be one vehicle every eight to ten minutes, at the max, which we felt is an important consideration. There is no signalization here to allow a lot of vehicles to get

in and out if they had built a high traffic generator. Other types of retail would have about seven to eight vehicles a minute. The original concept called for there to be access to this commercial site from Clark's Rest Road but, when the State came in and increased the buffers on the wetlands from 25 feet to 100 feet, it eliminated any connection to Clark's Rest Road.

Councilmember Mattingly asked about the long-term maintenance of the facility.

Mr. Bailey responded that they are using the same type of materials they use on commercial retail projects, many of which are approaching 12 to 13 years of age, with similar type of construction. They maintain them because they own them. Marrick is a long-term investor in their properties. In regards to the landscaping, the Town has a standard planting agreement that Marrick would follow. Also, the landscaping will include a mixture of evergreens and deciduous trees that will grow to block the view of the boat and RV parking areas throughout the seasons.

Councilmember Mattingly noted that this is not really what we had planned or thought that would go in that location but, you are meeting the zoning requirements and I do appreciate the fact that you have worked with us and made changes so that we can make this work best for the Town and residents.

Mr. Bailey agreed that it was also not their number one choice but, they were unable to have other alternatives due to many restrictions on the property.

Mayor Burris stated that many of the neighborhoods have HOA restrictions or no storage area for such large items like boats or RVs, so this type of facility is actually beneficial to many of the residents. Marrick has done a good job to meet the zoning regulations and Council has to be careful to not turn a project down unless we have a good reason, as it could be overturned.

Councilmember Slade stated that she does have some apprehensions about public safety. Much of these were addressed but, she still has some concerns.

Mayor Burris stated that the public hearing has been closed but will open up to floor for comments.

Mr. Doug Isleib, resident, commented that he is an advocate of the strategic plan the Town has put into place. It seems though, that this big building is not in line with the Town's vision. He would be interested in becoming more involved with planning and zoning.

Mrs. Ludwig, a resident of Clark's Rest, stated that she was involved in the original effort of not putting in an animal shelter. We did not receive mention of a storage facility. We were not aware that this project had progressed to this point and this selection had already been made. The majority of Clark's Rest residents were not made aware and were not able to express their concerns appropriately. This facility is huge and is not very appealing.

Mr. Bailey responded that Marrick sent a personal letter to each individual Clark's Rest homeowner, on two different dates, that outlined everything they had looked at and the various possibilities. The letter also included renderings of the facility, at that time, in October of last year. Only three responses were received, one of which was favorable. We tried to be very proactive and inform the homeowners.

Ms. McKay remarked, that because this is a PUD, it goes through an extra process than regular commercial zoning. Public hearings were held to see the concept plans. The final site plan, which was received in 2012, was the commercial portion of the project. It went before the Planning Commission in April 2019 and they sent a favorable recommendation to the Council. Our meetings are all advertised and, this project had the extra step of coming back before Town Council. We advertised the public hearing in the newspaper, on the website and on our FB page. We held the public hearing last month.

Also, the height regulations have been in place for years. We review the Comprehensive Plan every five years and this is when we really look at the zoning categories and see if any changes need to be made, what is working and what is not working.

Mr. Ludwig, resident of Clark's Rest, read a prepared statement which he provided the Town. It briefly stated that he is an engineer and took time to look over the drawings and plans for this project. The developer has fulfilled all the requirements the Town and MD State Highway have set forth. This storage facility is not something he wants to see as he would like to see more retail uses such as a coffee shop or sports bars, or restaurants that he could use to entertain his family and friends. He does not believe such uses as a storage facility serve to make Leonardtown a great place to live.

Mayor Burriss stated that the Tudor Hall farm property across Route 5 that the Clark's Rest Road will connect to in the future is planned to provide retail sites such as mentioned by Mr. Ludwig. Because the State of Maryland took away the buffers for this property, Marrick does not have the proper access allowed for these types of retail businesses.

A Hollywood resident asked if the Town had considered how much storage is too much storage as there are two other storage facilities in the immediate area, outside of the Town limits but within St. Mary's County. She does not think there is a need for more storage facilities.

Mr. Bailey responded that they did research and looked at the need and determined that this immediate area is underserved, especially, as there are no other climate-controlled storage facilities in the area.

Ms. McKay added that the Town cannot say we do not like this project or franchise, as long as it meets the zoning regulations, it is really about what the public will bear as the Town presents the projects.

Mr. Hamlet, a resident of Clark's Rest, spoke out that he already experiences difficulties pulling in and out of the Clark's Rest Road intersection onto Route 5 now, so he is not really interested in having retail there but, he wanted to voice his opinion that he is not overly opposed to this storage facility.

Mr. Gordon Stellway asked about the scale of the project and the net leasable square footage.

Mr. Bailey responded that it is a variety of unit sizes, 5 by 5, 10 by 10, and 10 by 20. The net leasable square footage is in the range of 60,000 square feet for the storage units only.

Councilmember Mattingly remarked that he has lived his whole life in Leonardtown and, although he is not in total favor of this project, it does meet the Town's zoning requirements. He does appreciate everything that Marrick has done to honor the many changes the Town recommended and mentioned that Marrick has been great to work with.

Councilmember Alt stated, that he too, is in agreement with Councilmember Mattingly and thanked everyone for their input. He acknowledged that it does not follow the Town's strategic plan but they do meet the Planning and Zoning requirements.

Councilmember Mattingly moved to approve the final site plan for the Clark's Rest Self Storage Units as revised, pending Fire Marshall approval; seconded by Councilmember Alt; Councilmembers Alt and Mattingly voted in favor, Councilmember Slade opposed, motion carried.

Olde Town Pub- Liquor License Letter of Support

Ms. McKay reported, that each year, the Olde Town Pub holds an annual anniversary celebration outside in their parking lot. They do the same setup every year and fence off a restricted area for crowd control. They are requesting a one-day extension of premises for their outdoor concert.

Councilmember Mattingly moved to approve a liquor license letter of support for Olde Town Pub for a one-day extension of premises for their anniversary outdoor concert; seconded by Councilmember Alt, motion passed unanimously.

Introduction of Ordinance No. 192 Sale of Surplus Property #301 41660 Courthouse Drive

Ms. McKay reported that last month, Council approved the contract for the sale of the second and final condo, Unit #301, in the Proffitt building. The Mayor has signed the contract of sale. The purchasers are preparing the lending paperwork and we are hoping to go to closing around the first part of July.

Today, we are introducing this Ordinance for the final sale process. Public hearings were held back in 2016, when these properties were put up for sale, so today is just an introduction, no action needed.

Piers and Slips

Ms. McKay reported that we awarded the slips and pier contract to SE Davis and the paperwork process has begun. The notice to proceed will be issued tomorrow and SE Davis can begin to order the product.

Facade Improvement Grant

Ms. McKay stated that she is very excited to say we have received \$50,000 of grant money to distribute. There was a total of \$64,335 in application requests from 15 different businesses and the cost of all the improvements to be made, based on that \$50,000, would be \$193,351 in improvements. It really is a good investment. We also submitted the application for a second round of grants for next year and hope to get another \$50,000. As you can see, we don't have enough to cover all the requests and will probably have to cut back on each one a little bit.

Public Art Grant

Ms. McKay reported that we received the public art grant for the winery for a 10-foot rotating metal sculpture. We are super excited about it. Because it is outside the Arts and Entertainment District, the grant money will run through the Arts Council as a pass-through grant. The winery is pledging \$2,500 of the matching money, and we've budgeted \$2,500 of matching funds.

Mayor's Report – Mayor Burris

Mayor Burris reported that the new owners of the hotel are still working on getting a restaurant to open in the hotel and are talking to a couple of interested parties. They hope to be able to expand into the parking area to make a larger commercial kitchen. They're not going to start the renovations on the rooms until they get a commitment and they're looking at other options for retail in the two banquet rooms if they don't do the restaurant.

The Seymour Town building is also beginning build-out to make room for a new restaurant.

The Maryland Municipal League Summer Conference is coming up at the end of this month in Ocean City and we will all be attending. I have also been nominated for President of the Maryland Mayor's Association. I have a meeting in DC this week with the Intergovernmental Affairs Committee. I am looking forward to attending the Community Revitalization Panel and Infrastructure Panel with Senator Ben Carson speaking.

Events – Tyler Alt

The Leonardtown Summer Music Festival kicked off on May 18th with the US Navy Band. The Leonardtown Wharf was a busy concert location with performances by the Southern Maryland Youth Orchestra, the Leonardtown high school jazz band and Lindsay Hudgens, a highly sought-after worship leader. All had a great turnout. The Lucky Few performed on the Town and Hydra FX performed at the Crab Festival. Six-Gun South will be performing on the Square June 22nd from 6 to 9 p.m.

Additionally, Leonard's Grant kicked off their annual 5K on May 25th and raised over \$19,000 for the Leonardtown Fire Department. June 8th the Rotary Club held its annual Paddle for Heroes and Zumba Fitness continues at various locations every Saturday in June from 8:30 to 9:30 a.m.

Mayor Burris remarked that he was able to attend the Leonard's Grant Fun Run and watched the Paddle for Heroes. Yoga at the Wharf had over a hundred people, quite an attendance.

Upcoming Events of Interest/Meeting Reminders:

- Saturday, June 15th Coastal Arts Market, Wharf, 9 a.m. – 3 p.m.
- Zumba Fitness Around Town, POL, 8:30 a.m. – 9:30 a.m. a.m.
- Saturday, June 22nd Zumba Fitness Around Town, POL, 8:30 a.m. – 9:30 a.m. The Leonardtown Summer Music Festival Presents: Six Guns South, Square, 6 p.m. – 9 p.m.
- Saturday, June 29th Zumba Fitness Around Town, POL, 8:30 a.m. – 9:30 a.m.
- Friday, July 5th The Leonardtown Summer Music Festival Presents: Bob Schaller & Friends at Red, White & Blues/Jazz First Friday, Square, 5 p.m. – 8 p.m.
- Saturday, July 6th The Leonardtown Summer Music Festival Presents: Latrice Carr, Square, 6 p.m. – 9 p.m.

Community Development and Planning – Hayden Hammett - No report

Utilities – Christy Hollander - No Report

SMMA Update – Jay Mattingly

Councilmember Mattingly reported that he will be attending the MML Summer Conference that starts Sunday, June 23 in Ocean City. He will be serving his third year on the MML Board of Directors. He mentioned that he and his wife Katie, did the walk run at Leonard's Grant and attended a little bit of everything in and around Town and they both had an enjoyable time.

Business Development/Retention – Mary Maday Slade

Councilmember Slade asked if anyone had noticed if any of the bars and restaurants in Town have seen a smaller volume of folks due to the re-opening of the Tiki Bar in Solomon's. She met with Carrie of Carrie Patterson Art Studio, who holds a summer camp, partnering with Big Larry's and the Escape Room. Really great thing to bring the children in and encourage them to stay and play in Leonardtown. Carrie had some really great thoughts about the Town being an Arts and Entertainment District and has ideas on how she could help if we could give her some of the funding that we have from our grant money. She initiated, along with a couple of students to paint the mural on the side of the old Home Elements building. Another popular project is to put up a wing wall so folks can stand in front of it and take their pictures to put out on social media. We love to see small businesses that are working together.

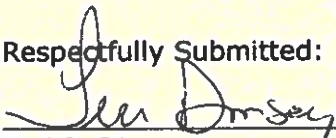
Ms. McKay noted that Carrie has benefited from some of our A&E and Arts Council grant programs. We recently found out that we received a \$10,000 grant for the Arts and Entertainment District so there are new funds for new projects.

Ms. McKay noted that Carrie is participating in the Drop and Dine program, keeping the kids involved in creative fun projects, while the parents enjoy the concerts. You can find information on the Drop and Dine program on the Town's FB pages and at www.leonardtownmusicfest.com.

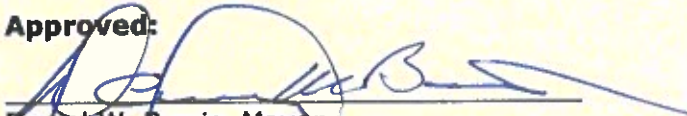
Mayor Burris entertained a motion to adjourn.

Councilmember Mattingly moved to adjourn the regular meeting at 5.27 p.m.; seconded by Councilmember Slade, motion passed unanimously.

Respectfully Submitted:


Teri P. Dimsey

Approved:


Daniel W. Burris, Mayor


Tyler Alt, Councilmember

Absent
Hayden T. Hammett, Councilmember

Absent
Christy Hollander, Councilmember


J. Maguire Mattingly IV, Councilmember


Mary Maday Slade, Councilmember