



# Commissioners of Leonardtown

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DANIEL W. BURRIS  
*Mayor*

LASCHELLE E. McKAY  
*Town Administrator*

## **Town Council Meeting Minutes January 11, 2021**

### **On-site and Virtual Meeting Meeting recorded on YouTube – Town of Leonardtown Channel**

Attendees: Daniel W. Burris, Mayor  
J. Maguire Mattingly IV, Vice President  
Tyler Alt, Council Member (**Virtual**)  
Nick Colvin, Council Member  
Christy Hollander, Council Member  
Mary Maday Slade, Council Member

Also, in attendance were: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Beth Sandberg, Office Manager; Jada Stuckert, Planning; Teri Dimsey, Executive Secretary; Kristi Nelson, Deputy; Roger Mattingly, Resident; Kevin Mattingly, Resident. A complete list of attendees is on file at the Town Hall. Viewers on Town of Leonardtown YouTube Channel.

Councilmember Colvin provided the invocation and Councilmember Hollander led the Pledge of Allegiance.

Mayor Burris announced that there is a Public Hearing at 4:15 pm on Ordinance No. 204 – Chapter 60 Critical Area Regulation and a Public Hearing at 4:30 p.m. on Ordinance No. 205 - Sale of Surplus Property and Acquisition of Real Property for a Public Purpose.

### **Approval of Minutes**

Mayor Burris presented the minutes of December 14, 2020 for approval.

**Councilmember Mattingly moved to approve the minutes of December 14, 2020 as presented; seconded by Councilmember Colvin, no further discussion, motion passed.**

### **Treasurers Report** – Rebecca Sothoron

Ms. Sothoron reported that there were zero transfers to/from the operating account during the month of December. We are 50% through the budget year. Highway User Revenue item looks a bit low as we have only received one payment which covered July and August. Based on that receipt, we may not reach our projection but this may be a function of the gas tax, our population and our car registration. We believe this shows that people are not driving as much due to teleworking, etc.

With the Cares Act Reimbursement, the County passed through \$11,900 to the Town which has helped offset the expenses we incurred that the Town would not have necessarily incurred due to Covid.

For the first time, since my 20 years of working at the Town, there are no unpaid delinquent taxes, meaning zero accounts will go to County tax sale.

We have ten customers still complying with utility payment plans. We started with twenty and ten have paid in full. As of the end of December, everyone was in compliance. They have until the end of January to make their next monthly payment.

A copy of the Recommended Budget Calendar has been provided to Council for review and approval. Given there is no Council election this year, we will recommend a late budget adoption. This gives us time to collect information for the budget year to make projections.

**All Council Members gave consensus to approve the Recommended Budget Calendar for FY21.**

Ms. Sothoron reported that she has been required to submit the Town's budget request to the County for next year. There was a small increase, up to \$44,461.00 and we will continue to monitor the County process as it moves forward to make sure that we will be funded.

**Planning & Zoning Report – Jada Stuckert**

The last meeting was held September 21, 2020 with three items on the agenda.

Clark's Rest Phase IV modification was approved, along with Phase IV plat approvals for that modification.

Ordinance No. 204 – Critical Area Ordinance Chapter 60 was introduced and they did provide a favorable recommendation to Town Council.

Currently there is one item, Case 1-21-Reintroduction of Annexation, on the January 19, 2021 agenda. Please note that the meeting was moved to Tuesday due to Monday's observance of Martin Luther King holiday.

Mayor Burris inquired about an update on Meadows at Town Run.

Ms. Stuckert responded that Phase I is completely sold out. They are beginning the groundwork for Phase II.

**Police Report – Kristi Nelson**

Deputy Nelson submitted a written report for Council's review. She acknowledged with a big thank you to those who donated to the Christmas/family gift collection. She was excited to say that each resident at Newtowne Village received a gift bag, presents and food. They also contributed to three other families, plus the two that the police unit adopted.

## **Town Administrator's Report – Laschelle McKay**

### **Ms. McKay provided a summary of Ordinance No. 204 - Chapter 60 Critical Area Regulation**

The last major update to Chapter 60 was in 2002. The new Critical Area maps were adopted December 2018. State regulations have been updated since and trump the local regulations. The proposed is the state model ordinance as reviewed and adapted to Leonardtown by our attorney, CAC staff, Ms. Stuckert and Ms. McKay. This Ordinance was introduced to the Planning Commission who made a recommendation at their December 21st meeting to approve.

### **Mayor Burris stated it is now 4:15 pm and entertained a motion to close the regular meeting and open the Public Hearing Ordinance No. 204 - Chapter 60 Critical Area Regulation.**

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

Ms. McKay noted that the Public Hearing was advertised in the County Times on December 31, 2020 and we have not received any comments.

Mayor Burris asked if there was any public comments or questions? There being none, he entertained a motion to close the public hearing and resume the regular meeting.

### **Councilmember Mattingly moved to close the public hearing and re-open the regular meeting; seconded by Councilmember Slade, motion passed.**

### **Mayor Burris entertained a motion on Ordinance No. 204.**

### **Councilmember Slade moved to approve Ordinance No. 204 - Repealing and reenacting Chapter 60 of the Leonardtown Code - Critical Areas Program; seconded by Councilmember Colvin, no further discussion, motion passed unanimously.**

Mayor Burris asked Ms. McKay to continue with her report.

### **EDU Request for 22535 Washington Street Infill Project-Eible property**

Ms. McKay reported that the Eible's purchased this property in 2020 and would like to subdivide a parcel off the 3/4-acre site to create a .25-acre building lot beside their home. The property lies in the PIRD district and is eligible for an EDU. If granted the property would then go thru the subdivision process.

Councilmember Slade noted that this property is already up for sale.

### **Councilmember Colvin moved to approve 1 EDU for 22535 Washington Street for an infill vacant lot per Ordinance No. 132-1(c); seconded by Councilmember Slade, no further discussion, motion passed unanimously.**

### **Reintroduction of Resolution 2-20 Annexation of 4 parcels consisting of 37.6845 acres +/-**

Ms. McKay stated that this annexation was introduced in September 2020 but ran into a snag with a small property that prohibited the parcels from being contiguous. That has been resolved, and we are now ready to move forward by adding to the 3 original parcels,

an additional parcel owned by The State Highway Administration which includes the Rt. 5 road bed. All documents have been updated to bring the total annexation to 37.6845 acres +/- . We worked with MD Dept. of Planning to revise the Comp Plan Update that we submitted and approved by Ordinance 200 and effective 8/31/20. Town Council will hold a public hearing at the February 8, 2021 meeting.

This is part of the St. Mary's Nursing Center as they want to build a Memory Care facility and they needed to come into Town to have access to the public sewer.

Councilmember Mattingly asked if there is only one building?

Ms. McKay responded that it is actually two buildings in total but they are just moving forward with the one building with another planned for the future.

Ms. McKay stated that this is for introduction only; no action is required.

**Ms. McKay reported that the next item is the **Reintroduction of Ordinance No. 201 - Leonardtown Comprehensive Zoning Map Revisions****

This Ordinance is being reintroduced to review the zoning for all parcels in town to make sure there are no mistakes or changes since the last zoning update (2017) and to establish zoning for the three parcels requesting annexation. The SHA parcel does not need a zoning category. Planning and Zoning held a public hearing when the Ordinance was first introduced and sent a favorable recommendation (minutes attached). No changes have been made to the current Ordinance since that recommendation. Town Council will hold a public hearing at the February 8, 2021 meeting on Ordinance No. 201 following the annexation hearing.

**Ms. McKay stated that this is also for introduction only; no action is required.**

When we did the Comprehensive Plan there were some properties between Cedar Lane that could be parcels that may want to annex into Town in the future so we will not have to go through the Comprehensive Plan again. All of those are residential zoning with one exception which is agricultural.

Councilmember Slade asked if any of these properties are in critical area zones.

Ms. McKay remarked these properties are not but the St. Mary's Nursing Center property does have some critical areas.

**Authorize Contract with Torti Gallas and Partners Review of Waterfront Plan and Comment**

As we move forward with the initial planning of the 400-acre parcel known as Tudor Hall Farm it is critical that we get it right and this property is integrated into the existing downtown and the many public recreational and waterfront opportunities are not lost. A professional planning agency review of the direction we are going in will be very beneficial. This agency was introduced to us by SMC Economic Development Director, Chris Kaselemis. They have worked with the County on the Airport Innovation District and did an outstanding job. He feels they would be a great fit for the initiative. This was not a budgeted item and would be funded by fund balance. It will be an hourly rate but the maximum would be \$4,950. There will be a site visit and a kick-off meeting so that they can get a good feel for the type of growth that we have going on and what is being proposed on the Tudor Hall

farm. They would also like to meet with Council for your thoughts, they would review the previous initial site plan and give us feedback.

Mayor Burris asked Ms. McKay to relay some interesting information.

Ms. McKay remarked that in a recent report from the Maryland Department of Planning that for the last ten years, the Town of Leonardtown has held the number one spot in the largest percentage of residential growth for all the municipalities in Maryland by a significant margin more than the next closest Town.

**Councilmember Mattingly moved to approve the contract for Torti Gallas and Partners for initial review of the Tudor Hall concept plan and the waterfront plan in the amount of \$4,950 based on the contract and relationship with SMC Economic Development; seconded by Councilmember Slade, no further discussion, motion passed unanimously.**

**4:30 p.m. Public Hearing - Ordinance No. 205 Sale of Surplus Property and Acquisition of Real Property for a Public Purpose**

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

**Councilmember Mattingly moved to close the regular meeting and open the public hearing on Ordinance No. 205 – Sale of Surplus Property and Acquisition of Real Property for a Public Purpose; seconded by Councilmember Hollander, motion passed.**

**Ms. McKay stated that this is a Public Hearing on Ordinance No. 205 - Sale of Surplus Property and Acquisition of Real Property for a Public Purpose.**

This Ordinance was introduced at the December 14, 2020 meeting. The public hearing was advertised in the County Times on December 31, 2020. The Town is in the process of designing an expansion of the WWTP facility at Van Wert Lane and is in need of additional land to build shellfish protection tanks for the project. The land (containing 16,190 acres +/-) adjacent to the existing facility is available to purchase for \$192,391 (appraised value). The land is capable of holding another tank in the future when another expansion is needed. The seller, Van Wert, LLC desires to purchase a 970 sq. ft +/- parcel of surplus land adjacent to his remaining property in the amount of \$4,268 (appraised value). Both parties are requesting easements. The seller desires an easement for parking adjacent to the piece being purchased from the Town and the Town desires a stormwater management easement across the seller's property (Parcel 362).

**Mayor Burris asked the audience if they had any questions. There being none, he entertained a motion to close the public hearing and resume the regular meeting.**

Ms. McKay stated that Exhibit A includes the Contract for Sale and spells out all the items just discussed along with the Easement Agreement. These will be voted on separately to moved them forward but they are part of the Ordinance to spell out the terms.

Mayor Burris asked if we had received any comments?

Ms. McKay stated no public comments have been received.

**Councilmember Slade moved to close the public hearing and resume the regular meeting; seconded by Councilmember Mattingly. Motion passed.**

**Councilmember Colvin moved to approve Ordinance No. 205 - Sale of Surplus Property and Acquisition of Real Property for a public purpose, and exchange of stormwater management easements; seconded by Councilmember Slade, no further discussion, motion passed unanimously.**

**Approve Contract of Sale and Purchase of Real Property on Van Wert Lane for Public Purpose and Easement Agreement**

Ms. McKay stated that this is the next step in the process for finalizing the transaction described in Ordinance No. 205. The survey is underway and will be added to the documents when complete

**Councilmember Slade moved to authorize the Mayor and Town Administrator to move forward with the contract of sale and easement agreements for the Van Wert properties as described in Ordinance 205; seconded by Councilmember Colvin, no further discussion, motion passed unanimously.**

**GHD Task Orders**

Ms. McKay stated that Task Order 24 is to extend the General Services Assistance Task Order. The initial tasks would be to provide electrical assistance for Well No. 5 with necessary control improvements, the second would be to evaluate McIntosh PS due to the ongoing flooding issues the station is having.

**Councilmember Mattingly moved to approve Task Order #24 General Services Assistance in the amount of \$25,000; seconded by Councilmember Slade, no further discussion, motion passed unanimously.**

**Mayor's Report** – Mayor Burris

Mayor Burris reported that there is one vacancy on the Board of Appeals and recommends Mr. Charles Breck be appointed. Mr. Breck has previously served years ago on both Town Council and Planning and Zoning Commission.

**Councilmember Slade moved to appoint Charlie Breck as a member of the Board of Appeals; seconded by Councilmember Colvin, no further discussion, motion passed unanimously.**

Mayor Burris mentioned that the hotel has received delivery of new furniture last week and hopes to open early spring.

Also, the Hedden townhome on Lawrence Avenue that was boarded up now has a contract for sale.

**Events** – Tyler Alt

The Traditional Leonardtown Holiday events Christmas on the Square, Santa & Mrs. Claus on the Square and the Meet-and-Greet events with Santa were reimaged virtually this year during the "A Christmas in Leonardtown Virtual Event" that aired on Saturday, December 12th. The event, produced by Brandy Blackstone for the Commissioners of Leonardtown; Ron Bailey of Ron Bailey Photo Productions; and Ed Delmoro of Winson Media, aired live on the Town's Tourism website, [www.VisitLeonardtownMD.com](http://www.VisitLeonardtownMD.com) and the Town of Leonardtown Facebook page and reached over 3,000 people.

Talented local performers, Robbie Boothe, Donovan Farrell, Phillip Michael Parsons, Tara Rae, Wes Ryce, LaKeisha Smith, Brandi Sydnor Donald Quade and Catrina Vitez, filmed scenes for their annual holiday video around Leonardtown. Familiar locations included the Port of Leonardtown Winery, Shepherd's Old Field Market and the Town Christmas Tree in Historic Leonardtown Square. This year's video was a moving rendition of Amazing Grace. The Amazing Grace Holiday video can still be viewed at [www.visitleonardtownmd.com/christmas](http://www.visitleonardtownmd.com/christmas)

#### Upcoming Virtual Programming:

A variety of new classes, shows and events will be added to the Leonardtown virtual programming platform, Leonardtown A&E Online, including a new arts & entertainment show titled Leonardtown A&E. This exciting new show, hosted by the St. Mary's County Arts Council, will feature spotlights on local artists as well as performances from local musicians and performing artists. New additions to the Learn & Share Series include monthly art classes from the new North End Gallery Series, fiber art classes from New View Fiberworks, and Knitting classes from Crazy for Ewe.

#### **Community Development and Planning** – Nick Colvin

Councilmember Colvin reported that work continues on the Rt. 5 project, the storage facility and the SMECO building. He gave a quick shout out to Mike and Sylvia, the owners of the new Ill Piccolo Italian restaurant that just opened up and having had dinner there he can say it was delicious. Welcome to Leonardtown!

#### **Utilities** – Christy Hollander

Councilmember Hollander reported that she wanted to thank staff for the efficient turn-around handling the Rt. 5 water main break. Wishing everyone good fortune in the New Year.

#### **SMMA Update** – Jay Mattingly

Councilmember Mattingly reported that the next MML Director's meeting is January 23<sup>rd</sup> to be held virtually. Hoping everyone had a healthy, happy and safe New Year's celebration and stay positive for this upcoming year.

#### **Business Development** – Mary Maday Slade

Councilmember Slade reported that the tax laws are changing but there are some great things coming out for small businesses. On December 27<sup>th</sup>, the CAA was passed which allowed the PPP to be totally forgiven for small businesses. There is also a new round of PPP coming out too for small businesses. There is also a 100% business deduction for restaurants and for those businesses that purchase food from a restaurant and supplies it to their employees will get a 100% deduction as it was previously 50%. Charitable contributions have been raised for the new year up to \$600 for cash contributions. Economic development was funded by the CARES ACT to help small businesses and they funded 302 grant applications, 266 awarded to small businesses and 36 awarded to non-profits. This was \$5,000 to \$10,000 dollars for small business relief. They also funded 78 grants at \$10,000 each for restaurants and they did open a new restaurant relief fund. Anyone that needs assistance, please reach out to me directly.

Mayor Burris remarked that Governor Hogan announced some new initiatives at this morning's press conference for both business and personal.

Mr. Kevin Mattingly, resident of Leonardtown, 22500 Key Way, announced that he had a question. He attended a Council meeting this past December with some concerns and has not yet heard back on what is being done to resolve his concerns. He has lived in Town for

55 years and has begun attending Town Council meetings and wanted to know when a concerned citizen can bring up issues to be discussed?

Mayor Burris stated that citizens can attend Town Council meetings and voice their concerns but we generally like them to bring issues forth to the Town office before doing so so that we can research and become knowledgeable about the issue.

Mr. Mattingly remarked that according to the Town Charter, citizens can attend and speak during Town Council meetings.

Mayor Burris noted that yes, we do have citizens bring forth issues and speak during Town Council meetings.

Mayor Burris stated that in regards to Mr. Mattingly's concerns, an email was sent stating that we are looking at the issue and it is being addressed but in a much broader sense.

Mr. Mattingly asked if an item on the agenda is being discussed, can he speak out about the subject? He thought that there would be more dialogue during a meeting with citizens in the audience but realizes it is not always so, depending on the agenda item. He wanted to be aware that citizens could communicate during a meeting if they so desired.

Mayor Burris responded that we have always allowed citizens to speak and especially during public hearings when it is open to the public.

**Councilmember Mattingly moved to adjourn the meeting at 5:53 p.m.; seconded by Councilmember Slade, 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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Virtual  
Tyler Alt, Councilmember

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Nick Colvin, Councilmember

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Christy Hollander, Councilmember

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J. Maguire Mattingly IV, Councilmember

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Mary Maday Slade, Councilmember