



Commissioners of Leonardtown

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LASCHELLE E. MCKAY
Town Administrator

DANIEL W. BURRIS
Mayor

Town Council Meeting Minutes May 10, 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
Nick Colvin, Council Member
Christy Hollander, Council Member
Mary Maday Slade, Council Member

Also, in attendance were: Laschelle McKay, Town Administrator; Rebecca Sothoron, Treasurer; Jada Stuckert, Planning; Teri Dimsey, Executive Secretary; Beth Sandberg, Office Manager; Will Moorehead, JustTech; Roger Mattingly, Resident; Joe Kurley, The Rex; Ellen Lewis, LBA; Meghan Burris, 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 Ms. Dimsey led the Pledge of Allegiance.

Mayor Burris announced that we have new agenda items: Introduction of Ordinance No. 209 – Comprehensive Plan Update and discussion on outdoor seating.

Approval of Minutes

Mayor Burris entertained a motion to approve the minutes of April 12, 2021.

Councilmember Mattingly moved to approve the minutes of April 12, 2021 as presented; seconded by Councilmember Alt, no further discussion, motion passed.

Treasurers Report – Rebecca Sothoron

Ms. Sothoron reported that \$250,000 was transferred to the checking account as this was a significant expense month. We are 84% through the budget. At this time, we are not expecting the general fund to need any budget amendments. There are some capital outlay items and CIP items that will not be completed before the end of the fiscal year so we think the general fund will be fine although we have had a significant number of unexpected repairs and expenditures and will know more next month. We still have several payment plan customers for utility balances. Reminder tax notices will be sent out soon and this creates a significant amount of payments before the end of the fiscal year.

Just today, the Treasury Department released the guidance on the American Rescue Plan Funding and we were required to submit our FY21 budget and they will compare that with all State municipalities and the money will be portioned accordingly.

At the June meeting we will ask Council to approve that the audit firm of BBD be engaged again for next year's audit.

We do have Budget workshop scheduled to be held on Tuesday, May 18th at 4:00 p.m.

Introduction of Ordinance No. 208 - Adopting the Budget and Setting the Real Property Tax Rate for FY22

We will hold a public hearing next month to Adopt the Budget and Set the Tax Rate for FY22.

We are recommending to maintain the tax rate of .1266 per \$100 with no change. We are required to advertise the Constant Tax Yield notice even though the .1266 is above the Constant Tax Yield rate of .1239 as we meet the required State exemption parameters.

Planning & Zoning Report – Jada Stuckert

Planning and Zoning Commission met April 19, 2021 with only one item on the agenda:

Boundary Line Adjustment Plat: Property we are purchasing on Van Wert Lane

The plats were approved.

There is one item scheduled for the May 17, 2021 meeting and that is:

Case #5-21- Comprehensive Plan Update which will be introduced to Council today.

Police Report – Kristi Nelson

Deputy Nelson is unable to attend today's meeting and was unable to submit a written report due to a family emergency. Deputy David Alexander did stop in to see if the Town needed anything in Deputy Nelson's absence.

Town Administrator's Report – Laschelle McKay

Ordinance No. 206 - Streets and Sidewalks of the Code of the Town of Leonardtown

This ordinance was introduced at the April 12, 2021 meeting. The public hearing was advertised in the County Times and on the Town website. No comments have been received. This Ordinance adds a requirement for any obstructions to the streets or sidewalks in Town must have permission from the Town Council. Draft guidelines for outdoor seating are also available for your review and will be adopted at a later date. The Ordinance states that no sidewalk, alleyway, roadway or private entrance to or from said sidewalk, alleyway or roadway within the corporate limits of the limits of the Town of Leonardtown shall be obstructed in any manner. We are just adding "*except with the permission of the Mayor and Council first having been obtained*". We will put a policy in place of guidelines for any obstructions and it will need to come before Council but before it just stated there were not any obstructions allowed.

GHD, Inc. Task Order No. 23- Water Appropriations Permit and Comprehensive Water and Sewer Masterplan amendment

This task order, in the amount of \$12,500 is for GHD to submit the new water appropriation permit to move forward with the new well and water tower construction at Meadows at Town Run II and the expansion of the wastewater treatment plant. Also, the comprehensive water and sewer master plan amendment is through the county and we have to make a revision for the expansion that we are preparing to do. The design for the expansion is at 90% completion.

We did have another massive blow to our Well this weekend. Even though we had put in extra equipment to compensate for any power surges, it completely fried the equipment, so the Well is down but we are working with SMECO to determine the issues.

Ms. Sothoron has contacted the insurance company to find out if this issue is covered, as it is the third time, we have had a serious issue to be repaired.

Councilmember Mattingly moved to approve Task Order #23 – Water Appropriation Permit and Comprehensive Water and Sewer Master Plan Amendment in the amount of \$12,500 for GHD Corporation; Councilmember Colvin seconded; no further discussion, motion passed unanimously.

Mayor Burris entertained a motion at 4:15 p.m. to close the regular meeting and open the public hearing on Ordinance No. 206 Streets and Sidewalks of the Code of the Town of Leonardtown.

Councilmember Mattingly moved to close the regular meeting and open the public hearing on Ordinance No. 206 – Streets and Sidewalks; seconded by Councilmember Slade, motion passed.

Ms. McKay stated that the public hearing was advertised and we are only adding one line "except for the permission of the Mayor and Council for having been obtained" and then we will be moving forward with the guidelines for outdoor seating.

Mayor Burris opened the floor up to the audience.

Roger Mattingly, 23160 Aloysius Court, there is a problem here in Town with the sidewalks and streets. They are constantly blocked and not ADA compliant. A personal friend of mine is in a wheelchair and has difficulties getting up and down the sidewalk because of the chairs and tables in the middle of the sidewalks. Going into the florist the other day I could hardly get out due to all the tables and chairs. If you are going to have this Ordinance, then things need to be corrected immediately. My friend is a retired State Policeman and called me during my time as a Councilmember and I spoke with Ms. Stuckert regarding ADA regulations and there are no handicapped parking spaces along Fenwick Street. In Town, there are six or eight handicapped parking spots, with only one being legal, the rest are illegal. We need to clear the sidewalks to be ADA compliant.

Ms. McKay stated that we have new signage that has been ordered and are scheduled to be put up this week. We are correcting the HC parking spaces that are located in the square which are being restriped and new signage put up.

Unfortunately, there are no parking spaces along Fenwick that meet ADA requirements so we are looking at making one of the spaces a short-term 15-minute parking space.

Mr. Mattingly remarked that the sidewalks are not easily accessible for handicapped individuals.

Councilmember Slade stated that this is the reason for the Ordinance so the Town has authority over any temporary or structural enhancements that businesses put forth in regards to sidewalks.

Mr. Kevin Mattingly asked why we were not following the Ordinance already in place. What is the drive behind this Ordinance 206?

Ms. McKay stated that the businesses are now operating with more outdoor seating and there is a need to set guidelines for all the businesses.

Mr. Kevin Mattingly wanted to know when anything will be done.

Mayor Burris remarked that the Ordinance is on the table to be approved today.

Mr. Kevin Mattingly inquired if he wanted to build something in front of his building would he need to come before Council for approval and if so, he feels a process needs to be gone through first, such as checking with the Fire Marshall.

Ms. McKay stated that there is a process, and it would need Fire Marshall approval, depending on the type of structure.

Mr. Kevin Mattingly feels this is giving the Town Council too much power and they should follow the Ordinance already in place.

Mayor Burris remarked that this Ordinance is giving the Council the authority to approve or not approve certain changes.

Councilmember Slade noted that she was the driving factor behind this Ordinance as the Town has received different requests and the Town wants to make sure that all the businesses are following the guidelines and the standards set.

Mr. Kevin Mattingly agreed that the outdoor seating has been very beneficial to the businesses and he himself enjoys it but he feels some businesses along Fenwick have taken it a bit too far and there needs to be some attention given to correcting those issues that impede pedestrians and other businesses.

Mayor Burris asked for any more comments. Hearing none, 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; Councilmember Slade seconded; motion passed.

Mayor Burris asked for any comments or questions from Council.

Councilmember Mattingly said he understood the frustration and believes Ordinance No. 206 will help in that Council will have a say/vote in what will be allowed and what will not be allowed. This will help the Mayor, Council and Staff stay mindful of what we will allow and should not allow.

Ms. McKay explained that throughout the Town, there are sidewalks that are privately owned and owned by the Town and there were no guidelines in place. The Ordinance just stated that you could not block with no guidelines. Ordinance No. 206 was introduced last month and provides guidelines to be followed with the added portion "*except with the permission of the Mayor and Council first having been obtained*".

Councilmember Alt agreed with this Ordinance but felt there should be verbiage in there if there are any violations.

Ms. McKay responded that this is the standard Ordinance for the sidewalks but there is language in the Town's Code of what the fines are for different infractions.

Ms. McKay noted that once the guidelines have been approved then we will announce the final guidelines. These were provided in your packet for your review and discussion so that we can prepare for approval at next month's meeting.

Businesses know that they have to get a letter of recommendation from the Town before they go before the Alcohol Board as they are required to get a letter of authorization from the Town before their liquor license is approved. If they just want outdoor seating and no liquor license, it will depend on the ownership of the sidewalk until this Ordinance goes into effect which is to help make it uniform.

Councilmember Slade asked if we had inserted ADA guidelines?

Ms. McKay responded, yes, they are in there for your review.

Councilmember Colvin moved to approve Ordinance No. 206 - Streets and Sidewalks, text amendment for section 128-3 of the Code of the Town of Leonardtown; seconded by Councilmember Slade, no further discussion, motion passed unanimously.

Introduction of Ordinance No. 209 - Comprehensive Plan Update to amend the future growth area section

This Ordinance is being introduced to amend the Future Growth Area segment of the Comprehensive Land Use Plan to accommodate a possible annexation of 95.79 +_ acres of land on Newtowne Neck Road. A public hearing will be held at the June Town Council meeting.

The Tudor Hall land swap package was mailed today to MD Department of Natural Resources and they will be filtering that through other agencies for comments and then we will hear back from them.

We received notification that we received the Community Parks and Playground grant of \$250,000 for the LTown Alley and we have another \$125,000 grant which was Community Legacy which we, unfortunately, did not receive but we are looking at other funding sources to offset this loss. We submitted the \$50,000 grant for the LTown Alley art project and have not yet heard back from Maryland Heritage Areas.

The Butterfly/Caterpillar trail is moving forward and a new brochure is in the works and we hope this encourages folks to get outside and re-discover Leonardtown. It has artwork and tidbits of information to get folks to wander around Town and experience both new and historic discoveries. We plan a big advertising campaign with Visit St. Mary's to roll this out along with the opening of the hotel in June.

We instituted some of the traffic pattern changes. There is a revision of Park Avenue that we have been working on with the hotel management. They would like to have the one-way extended down to Guyther. The hotel will be changing the parking in the rear to have the parking spaces angled the opposite to accommodate driving in from Guyther Drive. Once the LTown Alley traffic pattern is instituted this will not be a problem but that is not yet in place.

Mayor's Report – Mayor Burriss

LBA Report

Ellen Lewis, President, LBA, remarked that she is always talking about what makes Leonardtown so successful and a big piece of it is the working relationship that the elected and administrative officials of the Town, the business owners and the community have. The ability for those three entities to really work together and be pulling in the same direction is huge. Because of this the Town has seen incredible growth and success that we are all proud of. One piece of the puzzle that is kind of missing is incorporating the building owners. So today, we have with us, my landlord, Mr. Mike Magee, who purchased the building next to the Post Office, which houses Crazy for Ewe and Spice.

Mr. Magee introduced himself and explained that he lives here in Leonardtown in Leonard's Grant. It was a big decision to purchase this building and as owners of Spice, we also wanted to invest in the Town. We believe in the direction it is going and want to try and bring new things forward and improve the community. Leonardtown jumped out to us as a place that felt good to us. A big highlight has been working with Ms. McKay and Ms. Stuckert through the process. Taking on an old building here Leonardtown is definitely a challenge and a learning process as we renovate an older building not knowing its history. For us, the schedule and cost has been significant but, we see potential in our investment and encourage the Town to explore more funding opportunities, some of which the Town has made some available through the Façade grant but, we hope to see more. Bringing more people into Town will only improve the Town and encourage more investors to invest.

Ellen Lewis remarked that other incentives such as Infill Development. The importance of taking a building and spaces that exist now in downtown Leonardtown and encourage developers and investors to choose those buildings rather than building new, such as in a strip mall, because this is essential to the nature and character to Leonardtown. We need to look at other grant opportunities and we need to look at tax credits that can be useful to investors. We need to look at what kinds of incentives we can provide present and potential building owners.

Councilmember Slade recommended that business owners talk to the County Commissioners about the personal property tax which is a huge burden on small businesses. The Town already waives the personal property tax for small businesses but you can reach out to the County and ask them to do the same as they elect the rate every year.

Outdoor seating using parking space

Ms. McKay stated that we have had a complaint and a request to talk with David Mattingly of David's Florist regarding the after-hours seating in front of his building. He did ask that the three tables be removed and a discussion was held with Sean of Social Coffeehouse who was very cooperative. Sean is here today to speak to the Council about the outdoor seating.

Sean approached the podium and addressed the Council. He thanked Council for quickly assisting the restaurants in opening up outdoor seating once the pandemic began and the Governor set down strict regulations. The outdoor seating has not saved the business but it did give us hope during that time and in the process turned the Town into a destination. He does agree with the Ordinance as we all need some guidelines. We are ADA compliant. We would like to remove the tables off the sidewalk and utilize an additional parking space along Fenwick St where we already have a barrier placed. We have basically run out of room and if Council could work with us to maintain the outdoor seating aspect that would be greatly appreciated.

Mayor Burris indicated that now that the Governor has taken away the distancing restrictions, he asked Sean if he is not able to get in more seating with the space that you currently have.

Sean responded that we have one parking space and it does not mean the same thing as the other restaurants, we have different size parking, parallel vs. diagonal, and adding in the size of the barriers this reduces the space available so it does not change anything for us.

Councilmember Hollander asked to see the site plan.

Ms. McKay said we are looking at providing some pull in spaces just past the old Bank of America alley-way for some short-term parking spaces. Mr. David Mattingly was agreeable to this suggestion. We also have an issue with people who work or own businesses and are parking on the street all day long, even though we have asked them many times to park in the parking area behind the building to provide spaces for your customers and others businesses along Fenwick St.

Councilmember Slade noted that she would like to see more short-time or temporary parking on Fenwick St. I would like to talk more with Mr. David Mattingly about losing a parking space would that cause a decrease in revenue for his business? We need to be considerate of both parties.

Ms. McKay reported that she did speak with Mr. David Mattingly in regards to the tables and parking and he would definitely be in favor of some short-term parking. A number of years ago we did institute some 20-minute parking spaces around the square but monitoring it became an issue. There needs to be some teeth into it because otherwise people just ignore it. We need to make sure it is visible and they know they will receive a ticket. A number of businesses would benefit and LTown Alley will help as people will want to park there and walk through the alleyways to get to Fenwick St and the square.

Sean questioned if the short-term parking would actually be beneficial as many people will just ignore the temporary parking signs. The parking may be an issue but we should focus on making the destination worth it.

Mayor Burris remarked that he will ask Ellen Lewis to put out a reminder to all the businesses that business owners and employees should not be parking in front of their businesses to allow customers to park there.

Ms. McKay stated that the expectation now is that Leonardtown provides outdoor seating which was the positive outcome from the Covid pandemic.

Councilmember Slade stated she would very much like to get started on providing some temporary parking signage to allow for some quick in/out parking.

Councilmember Mattingly inquired of the number of parking spaces we allow other businesses?

Ms. McKay responded that it is different because there is pull in parking and diagonal parking and the size of the building.

Sean mentioned that restaurants are still required to maintain six-foot distancing even though the State has returned to 100% capacity and this still limits the patronage and the outdoor seating provides additional seating to compensate. One parking spot on Fenwick St equals two four top tables.

Ms. McKay noted that the Fire Department, Sheriff's Department, Health Department and the Alcohol Board all have restrictions and requirements that the businesses have to meet.

Councilmember Colvin asked Sean how many tables he would be removing from the sidewalk?

Sean responded that in the area in front of the florist there are three. So, we would be removing those three tables and probably only adding two if we get the additional parking spot.

Councilmember Slade will meet with Mr. David Mattingly to see what his concerns are before Council commits to a decision.

Sean noted that the parking space in front of the building does not license for permanent seating and the only temporary license we have is the one parking space.

Ms. McKay noted that Sean's license has seating on his property for permanent use and temporary. Once the State regulations are confirmed and we continue the outdoor seating, he will need to apply for a permanent outdoor seating permit and go through the process with the Alcohol Board etc.

Ms. McKay suggests that the Town and businesses be proactive in working with the Alcohol Board to be prepared to act once the Governor sets out the new regulations.

Mr. Joe Kurley noted that in the past, the businesses have gotten together to go before the Alcohol Board as a group to make it easier. We can do this again and be prepared to get on the Alcohol Board agenda once we have worked with the Town on the guidelines on outdoor seating.

Sean mentioned that he has been talking with the St. Mary's County Economic Development department and they are in favor of the outdoor seating and would be a proponent of continuing the outdoor seating.

Mr. Kurley stated that because the outdoor seating Leonardtown has become a destination spot where people want to get out and walk and meet and greet each other. Some of the parking has been taken away but then again it has given people the opportunity to see people seated outdoors and they want to be a part of that and haven't minded parking a bit further and walking to the downtown and walking around downtown.

Ms. McKay remarked that the Town is in the process of getting new wayfinding signage and this will help tremendously as it will direct people to the parking and we have added some encouraging items such as how many steps it is from the parking lot to the Town square. Prior to Covid, the Downtown Plan had already incorporated future outdoor seating.

Ms. Ellen Lewis stated that the outdoor seating is not just for the restaurants, it is a driver for all of the businesses, as it brings folks in to eat and drink but they also browse and discover the stores they never had shopped in before or services they did not realize were available in Leonardtown.

Events – Tyler Alt

The Annual Earth Day Virtual Event was well received. The event was held online through the Town's website, Facebook pages and YouTube Channel. The event featured an opening Ceremony filmed at the Wharf and at Tudor Hall that included a greeting from Mayor Dan Burris who also read a proclamation from the Town Council. The event also included a virtual version of the 50th Anniversary of the Reptile World Show with a touching tribute to host Michael Shwedick, the Waterman Tour courtesy of Captain Phil of Fish the Bay Charters, and the Birds of Prey Exhibit courtesy of Clearwater Nature Center. Many local businesses and organizations also participated in the programming, including a cooking show and fitness demo from root, SUP & Fitness, tai chi and yoga instruction from local certified instructors and Town Council Member Mary Slade hosted an informative video on recycling.

The Zumba and Tai Chi Fitness Classes have returned to Leonardtown and have premiered to astounding success. More information will be provided in next month's report. Plans for the Leonardtown Summer Music Festival are underway.

Community Development and Planning – Nick Colvin

Councilmember Colvin stated the does not have anything to report this month.

Utilities – Christy Hollander

Councilmember Hollander reported that work at the treatment plant continues.

SMMA Update – Jay Mattingly

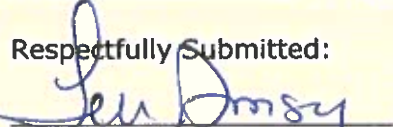
Councilmember Mattingly reported that the MML Summer Conference is scheduled to proceed at the end of June. Thank you LBA for attending Town Council meetings and Mike and Nicole Magee for communicating with and investing in the Town.


Business Development – Mary Maday Slade

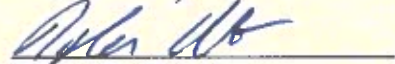
Councilmember Slade reported that it is nice to see folks that live and have businesses in Town, thank you Mike and Nicole. I attended the LBA Marketing Committee meeting and left excited with all the great things going on and seeing the new Butterfly Trail coming together. Kudos to Brandy Blackstone for all the great videos she has put out and I learned that she has taught herself to do much of the videoing and editing herself. Next up is water safety and it is exciting to share this safety information with our community.

Mayor Burris remarked that next month, he will have been in the insurance business in Town for 40 years.

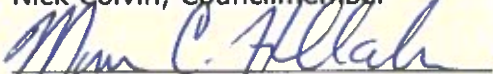
Councilmember Mattingly moved to adjourn the meeting at 5:29 p.m.; seconded by Councilmember Slade, motion passed unanimously.

Respectfully Submitted:

Teri P. Dimsey

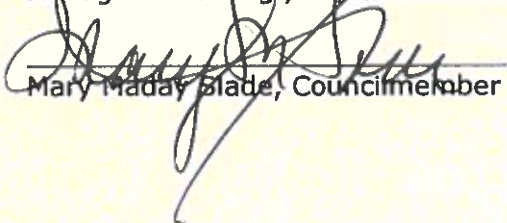
Approved:

Darriel W. Burris, Mayor


Tyler Alt, Councilmember


Nick Colvin, Councilmember


Christy Hollander, Councilmember


J. Maguire Mattingly IV, Councilmember


Mary Maday Slade, Councilmember