Meeting minutes of Town Council on February 6, 2024

Meeting held via video conferencing.

As reviewed, approved, and accepted by the Town Council on March 5, 2024

There being a quorum, Mayor Charles Hendricks called the regular meeting of the Town Council to order at 7:30 p.m. The meeting was held using video conferencing. Council Members Charles Bradsher, Tom Burke, Amy Koval and Christina Pellegrino were present. The Town Treasurer Angela Hoffman, Town Clerk Mary Burke, Assistant Clerks Joy Jackson and James Schneider, Planning Commission Chair Eric Wenger, Historic District Commission Chair Jennifer Sizemore and approximately five residents and guests were also present.

Minutes Approval:

Council Member Pellegrino made a motion to approve the minutes from the Town Council meeting held January 2, 2024. Council Member Koval seconded the motion. Approved by the four council members present at that meeting with Council Member Bradsher abstaining.

Council Member Burke made a motion to approve the minutes from the Public Hearing held January 16, 2024. Council Member Koval seconded the motion. Approved by the four council members present at that public hearing with Council Member Bradsher abstaining.

Treasurer’s Report

Treasurer Hoffman reviewed the Profit and Loss report for the month of December 2023. The major sources of income were $2,986 from Interest Income, $1,368 from Waste Removal Fees and $466 in the Capital Improvement Fund. The total income was $4,821. The major expenses were $9,503 for Legal, $8,026 for Grounds Maintenance, $6,515 for Waste Collection, and $5,328 for Payroll Expenses. She explained the $403 Repairs and Maintenance expense was to service the furnace at the Town Hall and the $1,235 Decorations expense was to remove and inventory the flags. Total expenses for the month of December were $36,549 and the Net Income was -$31,728.

Council Member Bradsher made a motion to approve the December Treasurer’s report subject to audit. Council Member Koval seconded the motion. ***Unanimously approved.***

Planning Commission Report

Eric Wenger, Planning Commission Chair, reported that the Commission met on January 25, 2024, to discuss the Comprehensive Plan, and is making progress in this review. The Planning Commission will meet again on February 29, 2024.

Historic District Commission Report

Jennifer Sizemore, Historic District Commission (HDC) Chair, said that the HDC will complete the Public Hearing on Mr. Dan Wolf’s barn repair and hold a Public Hearing regarding asphalt paving at the Citgo gas station at the next regularly scheduled meeting on February 19, 2024. She further stated that the HDC will hold in-person Work Sessions on the second Tuesday of each month beginning on February 13, 2024. The Zoning Ordinance, work permit application process, and what is meant by routine repair and maintenance of historic buildings will be discussed. The Work Sessions are open to the public and will be posted on the Town’s website.

Old Business

Consideration of MHG Proposal to Conduct a Boundary and Topographic Survey of the Laytons Village Shopping Center to Plan for an Expansion of the Town’s Sidewalk Network

Mayor Hendricks stated that he has received an updated proposal from the Town’s engineering contractor, MHG, for a survey of boundary lines and topography along Route 108 in front of the Laytons Village Shopping Center for the purpose of planning an extension of the sidewalk from the roundabout on the west side of Route 108. This proposal is different from the one that was discussed at the January meeting that included areas that did not need to be surveyed for this project. This sidewalk extension will also allow the Town to make a request with the State for a crosswalk at Maple Knoll Drive across Route 108. Mayor Hendricks is anticipating that ARPA funds may be used for this project and requested Town Council approval of the proposal from MHG to conduct the survey described in the document at a cost of $11,750.

* Council Member Burke asked if given that this is a state road, is consultation with the state or county necessary to consider issues such as feasibility, safety, and approval. He stated that it would be nice to know before paying over $11,000 for a survey if it is even feasible to build a sidewalk in this area.
* Mayor Hendricks responded that without the survey, we cannot say what arrangements would be needed. He is hoping that this is in the state right of way, and a sidewalk would improve safety.
* Planning Commission Chair Wenger stated that this area is more complicated as far as easements and property lines go. He recommended looking at state publications regarding sidewalks, however, he feels a survey needs to come first to know who owns what property.
* Mayor Hendricks said that he would like to move forward with approving the survey and to utilize ARPA funding, which is to be completed before the end of 2024.
* Council Member Pellegrino recommended that the shopping center owner be alerted as soon as possible that the Town will be conducting a property survey.

Council Member Burke made a motion to approve spending for the survey pending discussions with the landowner and the state engineer. Council Member Koval seconded the motion. ***Unanimously approved.***

New Business

Fourth Quarter Safety Inspection

Council Member Bradsher reported on sidewalks by noting divots on Laytonsville Road in front of St. Bart’s Office and Barber’s Funeral Home, cracking at 21411 Laytonsville Road, and a crack on the paved path leading to Jones Farm Pond. There are two “all pets must be kept on a leash” signs at Jones Farm Pond, and one of them is down and tied to a telephone pole. He stated that regarding the Miller Park trail, at the low point on the trail there were small trees staked down. These stakes are now pulled up and the trees have been pushed to the side. He reported that two streetlights were out on Warfield Road. He also noted that there is no stop sign at 1st Street and Sunset Drive. Discussion ensued regarding the fact that there never has been a stop sign in this location. Mayor Hendricks stated that traffic can come from three directions, and as placing a stop sign in this location may increase safety, it may be worth a discussion with the funeral home and the neighbors living there regarding such a sign.

The Second Quarter Safety Inspector will be Council Member Koval.

Consideration of Planning Commission Proposal to Solicit Comments Relative to the Comprehensive Plan

Members of the Town Council were sent a draft of a letter requesting residents to comment on the Comprehensive Plan and an open form to record their comments.

* Mayor Hendricks and Council Members Pellegrino, Burke, and Koval made observations about various specifics in the letter and comment form.
* Planning Commission Chair Wenger stated that the idea is to enable residents to comment on the Comprehensive Plan line by line. The Planning Commission will write the Comprehensive Plan and look at public comments, and then decide whether to act on the comments.

After further discussion, Planning Commission Chair Wenger offered an edited version of the letter, which resolved questions that had been raised. Council Member Bradsher made a motion to give the Planning Commission approval to send out the letter and attachments. Council Member Burke seconded the motion. ***Unanimously approved.***

Discussion of Proposed Amendment to the Draft Moratorium Ordinance and Referral of the Draft to the Planning Commission for Comments and Recommendations

Mayor Hendricks read the following:

I move to amend the draft moratorium ordinance that I introduced on November 7, 2023, to add and delete wording and punctuation as spelled out in the Microsoft Word document entitled “Moratorium Ordinance with Proposed Amendment 2024 02 06” that Town Clerk Mary Burke sent to Council members today and to refer that amended draft to the Planning Commission for comments and recommendations. Is there a second to that motion?

Council Member Burke seconded the motion.

Mayor Hendricks continued reading:

Let me begin the discussion by stating that I, and I am sure, the other members of the Town Council listened carefully to the testimony presented at the Public Hearings on the draft ordinance held on December 5 and January 16. The amended wording I am proposing reflects comments made at those hearings. The revisions are designed to more precisely capture the legislative intent of the Town Council in moving forward with this ordinance. They remove language that seems to have caused some confusion and clarify other references. The revisions also enable the text to more accurately specify the actions the ordinance is designed to affect.

Section 129 of the town’s Zoning Ordinance requires the Planning Commission to consider a proposed amendment to the text of that ordinance and to provide to the Mayor and Council its comments and recommendations regarding the proposed revision prior to the closing of the public hearing record on the proposal. The moratorium ordinance would amend the text of the zoning ordinance by adding two sections to it. For that reason, I am asking the Council to refer the draft ordinance to the Planning Commission for its review. I believe that the commission should review the draft ordinance with the inclusion of the changes that appear warranted after the Council has received the testimony offered at the related Public Hearings. That is why I am proposing that the Council first amend the draft ordinance and then refer it to the Planning Commission. If this motion is adopted, I will ask the Town Clerk to post the amended draft of the moratorium ordinance on the town’s website to enable the public to submit comments relative to it.

* Mayor Hendricks then stated that if his motion is adopted, the amended draft will be subject to public notice and the record of the Public Hearing being still open, the public can comment if they see any changes to the ordinance that seem to elicit further comments from people who've testified already, or new comments from people who have not. The important thing is that this will provide an opportunity both to clarify our intent and to explore the impact of the proposed ordinance with the Planning Commission. I think this will be a helpful process, and I hope the Planning Commission, if we approve this motion, will address the ordinance at its February 29, meeting.
* Planning Commission Chair Wenger stated it was an oversight by the town, and this should have been done in a different order. But being that it's going to be corrected, the Planning Commission will meet February 29, and will review this document if approved tonight.
* Council Member Burke asked if the Planning Commission will be authorized to make suggested changes and bring them back to the Mayor and the Town Council.
* Mayor Hendricks responded that the second part of the motion is to refer the amended draft to the Planning Commission for comments and recommendations. They can recommend approval, recommend disapproval, recommend approval with an amendment, have no recommendation, and they can make whatever comments they want. He further stated that it would be up to the Town Council to decide how to act on their comments and recommendations. It's our obligation to give them the opportunity to provide their comments and recommendations. Not that they haven't had the opportunity, but it was never formerly referred to them.

The motion was ***Unanimously approved.***

Discussion of Obtaining a Consultant for Zoning and Comprehensive Plan Review

Mayor Hendricks, Council Member Koval, Planning Commission Chair Wenger, Town Clerk Burke, and Assistant Clerk Jackson met at Town Hall on January 30 with Mike Watkins, a well-known architect who has been involved in urban planning and zoning review matters around the country, and Mr. Watkins’s associate Scott Layton.

* Mayor Hendricks recommended engaging Mike Watkins and Scott Layton as consultants for zoning and Comprehensive Plan review. He stated that Mr. Watkins was receptive, if we as a town, create an RFP for such a consultant, or we can just explore entering into a contract with Mike Watkins and his firm.
* Council Member Burke suggested that we ask Mike for details in entering a contract with him, and if it’s beyond our cost, then we can do an RFP.
* Mayor Hendricks stated that the challenge is writing out a contract that lays out everything that we want and then negotiating a price.
* Planning Commission Chair Wenger stated that we can ask Town Attorney Shearer to write a contract.
* Council Member Pellegrino stated that Mike Watkins’s firm most likely has a contract that explains what they do and need, and we can request one from him. She does not think that we need to ask Ms. Shearer to write a contract, and further suggested that we ask Mike for his terms and a quote after we tell him what we want. She said that we should move forward with this and see if he is even affordable.
* Assistant Clerk Jackson stated that Mike Watkins said that he has two ways of working; one being a fixed fee, and the other being an hourly rate.
* Council Member Pellegrino suggested that if Mike Watkins does not appear to be affordable, then moving to an RFP process would give us a bigger picture of what is available.
* Planning Commission Chair Wenger stated that an RFP process would draw out the timeline for this.
* Mayor Hendricks stated he is hearing that we need to find out what kind of contracts Mike Watkins has and see if we can work something out in that way. If that fails, we'd have to fall back to a more competitive approach.
* Council Member Koval said in the interest of time we should ask him for a proposal, and if it's way out of our budget we will have to find somebody else.
* Council Member Pellegrino said that she will look over what is proposed. She suggested that we move forward now because time is of the essence.
* Mayor Hendricks said that he liked the idea of going for sole source if that can be done, and as he receives more information, he will share it with all the members of the Council.

Resident’s Forum

Council Member Burke reported that Jones Farm Pond is at the highest water level that he’s ever seen. The riser appears to be working, and there is no apparent leaking.

Adjournment

Council Member Pellegrino made a motion to adjourn at 9:57 p.m. Council Member Koval seconded the motion. ***Unanimously approved.***

Respectfully Submitted

James Schneider, Assistant Clerk

Town of Laytonsville