

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
July 28, 2009

Present: Mayor Roy G. Hale, Councilman R. Wayne Winkler, Councilman C. Keith Back, Councilwoman Paretta D. Mudd, Councilman Joseph W. Norris; Daniel J. Mears, Town Manager; Judith T. Frazier, outgoing Town Clerk; Danielle Mandley, incoming Town Clerk

Town Staff: Robert W. Oliphant, Treasurer; Cassin B. Gittings, Chief, La Plata Police Department; Catherine Flerlage, Director of Planning and Zoning; David M. Jenkins, Director of Municipal Development; Joy R. Mandley, Planning and Zoning Assistant

Pursuant to the requirement of Annotated Code of Maryland State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the Council of the Town of La Plata was held at 8:45PM, Tuesday, July 28, 2009, in the La Plata Town Hall.

Present: Mayor Hale, Councilmen Winkler, Back, Mudd and Norris; Daniel J. Mears, Town Manager; Danielle Mandley, incoming Town Clerk; Judith T. Frazier, outgoing Town Clerk; Robert W. Oliphant, Treasurer; Chief Cassin Gittings, La Plata Police Department; David M. Jenkins, Director of Municipal Development; Catherin Flerlage, Director of Planning and Zoning; Joy Mandley, Planning Assistant

On a motion made by Councilman Back, seconded by Councilman Norris, and by unanimous consent of the members present, the session was closed. The authority under which the session was closed was Annotated Code of Maryland State Government Article Section 10-508(a)(3) – Consider the acquisition of real property for a public purpose and matters directly related thereto. The purpose of the meeting was to discuss acquisition of property for parkland, wastewater treatment. The Town Council agreed to schedule another closed session in on January 26, 2010, to continue the discussion. The meeting adjourned at 9:20 PM.

Minutes:

Mayor Hale called the meeting to order at 7:00 PM, and then led the Pledge of Allegiance.

Approval of June minutes

Councilman Back moved to approve the minutes of the June 9 work session, June 16 special meeting, June 16 work session, June 16 closed meeting, June 23 regular meeting and June 23 closed meeting. Councilman Norris seconded the motion and it passed by unanimous vote.

Petitions, Communications, Appearances and Public Forum

Public Forum (No speakers.)

La Plata Police Department (LPPD) monthly report – Chief Gittings

Chief Gittings reported on the department's activities during the month of June, 2009.

Public hearing: Proposed Comprehensive Plan

Mayor Hale called the hearing to order and explained that the purpose of the hearing was to hear public comment on the Proposed Comprehensive Plan. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the July 10, 2009, edition of the Maryland Independent newspaper and the Affidavit of Cathy Flerlage, Director of Planning and Zoning, affirming posting of signs on the subject properties and notification of owners of record of the subject properties and of the properties contiguous to and opposite the subject properties.

Ms. Flerlage, assisted by Joy Mandley, provided a PowerPoint presentation regarding the Proposed Comprehensive Plan and Proposed Comprehensive Rezoning Map.

Mayor Hale asked if anyone in the audience wished to speak regarding the Proposed Comprehensive Plan.

Thomas F. Mudd, P.O. Box 310, La Plata, Maryland 20646, spoke to suggest extending the southern and south western boundaries of the Growth Element, and to consider future growth area for the next fifty years.

The Clerk entered into the record the following correspondence:

1. Recommendation of the La Plata Planning Commission, dated July 15, 2009
2. A letter from Christopher Holland, dated July 27, 2009, in support of rezoning of the Viering, et al property from R-10 to C-H.
3. A letter addressed to the Mayor and Council of La Plata, dated July 28, 2009, from Thomas F. Mudd, on behalf of William C. and Robert B. Mitchell, referencing the Comprehensive Plan Update, requesting to consider extending the southern proposed boundary of the Growth Element.
4. A letter from Pender Drive area residents, dated June 5, 2008, in opposition of rezoning the Christian Family Baptist Church property from R-10 to R-3.
5. A letter from Wm. Daniel Mayer, dated July 8, 2009, commenting on the size of the Growth Area.
6. A letter from several Pender Drive area residents, dated July 10, 2009, in opposition of rezoning the Christian Family Baptist Church property from R-10 to R-3.
7. A letter from Jim Goldsmith, dated July 20, 2009, in opposition to rezoning the Christian

Family Baptist Church property from R-10 to R-3, Fallon Homes property from R-10 to R-3 and the La Plata South, LLC property from R-21 to R-3

There being no other speakers, Mayor Hale closed the hearing at 7:51 PM.

Public hearing: Proposed Comprehensive Rezoning Map

Mayor Hale called the hearing to order and explained that the purpose of the hearing was to hear public comment on the Proposed Comprehensive Rezoning Map. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the July 10, 2009, edition of the Maryland Independent newspaper and the Affidavit of Cathy Flerlage, Director of Planning and Zoning, affirming posting of signs on the subject properties and notification of owners of record of the subject properties and of the properties contiguous to and opposite the subject properties.

Mayor Hale asked if anyone in the audience wished to speak regarding the Proposed Comprehensive Plan.

Jim Goldsmith, 805 Washington Avenue, La Plata, Maryland 20646, spoke on behalf of several Washington Avenue residents who were present and stood in support of Mr. Goldsmith's testimony in opposition of the rezoning of, the Christian Family Baptist Church of Waldorf property from R-10 to R-3, Fallon Homes property from R-10 to R-3, and the La Plata South, LLC property from R-21 to R-3, given that the proposed rezoning doesn't match the neighborhood.

Tom Meyers, with Phillips Edison, 7758 Stonehill Drive, Cincinnati, Ohio 45825, spoke in favor of the rezoning of the La Plata South, LLC property from R-21 to R-3.

James Powell, 7 E. Hawthorne Drive, La Plata, Maryland 20646, spoke in support of the rezoning of the Christian Family Baptist Church property from R-10 to R-3 to establish workforce housing.

Stephen Hill, 105 Godspeed Court, La Plata, Maryland 20646, spoke in opposition of rezoning the Viering, et al property from R-10 to C-H, reflecting concurrence with the Planning Commission Recommendation.

Chris Marshall of Fallon Homes Inc., spoke referencing the plan to build Townhouses if the rezoning from R-10 to R-3 is approved.

Karoly David, 700 Kent Avenue, La Plata, Maryland 20646, spoke in favor of rezoning Higdon/Frere property from R-8 to R-3.

Mike Runfola, 113 Morris Drive, La Plata, Maryland 20646, spoke to question what would happen to the existing house on the Fallon Homes, Inc. property and was advised of the Public Hearing procedures to hear public comment.

Justin McCright, 212 Williamsburg Circle, La Plata, Maryland 20646, spoke to oppose the rezoning of the Viering, et al property from R-10 to C-H, due to the impact on wildlife.

Mary Beck, 207 Williamsburg Circle, La Plata, Maryland 20646, spoke to in opposition of rezoning the Viering, et al property from R-10 to C-H, to keep a buffer between commercial and residential properties.

The Clerk entered into the record the following correspondence:

1. Memorandum dated July 15, 2009 from the Planning Commission containing their recommendations to the Town Council.
2. A letter from Jim Goldsmith, dated July 20, 2009, in opposition to rezoning the Christian Family Baptist Church property from R-10 to R-3, Fallon Homes property from R-10 to R-3 and the La Plata South, LLC property from R-21 to R-3. Signed in support of the positions offered, from the residents of the following:
 - a. 816 Washington Avenue (2 signed letters)
 - b. 814 Washington Avenue
 - c. 810 Washington Avenue
 - d. 811 Washington Avenue (2 signed letters)
 - e. 809 Washington Avenue (2 signed letters)
3. Proposed Town of La Plata Growth Plan map, submitted by Thomas F. Mudd

There being no other speakers, Mayor Hale closed the hearing at 8:20 PM.

Legislation

Ordinance 09-11 FY 2009-2010 Fee Schedule (For Introduction) – For the purpose of correcting an error in a refuse collection fee in the fee schedule.

Mr. Mears provided a brief explanation of the purpose of Ordinance 09-11.

Resolution 09-5 Charter Amendment – Term of Employment of Town Manager (For Introduction) – For the purpose of amending the Charter of the Town of La Plata to provide a maximum term of employment to which the Town Council may appoint a Town Manager; to provide that such specified term of employment may be renewed by the Town Council; and all matters generally relating thereto.

Mr. Mears provided an explanation of the purpose of Resolution 09-5.

Resolution 09-6 – “Building Blocks for Success” project by the Center for Children, Inc. (For Introduction and consideration of adoption) – For the purpose of expressing approval of the “Building Blocks for Success” project to be undertaken by the Center for Children, Inc. to provide family support services, parenting skills, mental health counseling, and child abuse prevention and treatment services to at-risk families in Charles County; and all matters relating to said approval.

Councilwoman Mudd moved to adopt Resolution 09-6. Councilman Norris seconded the motion and it passed by unanimous vote.

Unfinished Business (None.)

New Business

Motion regarding Community Parks and Playground grant

Councilman Norris moved to accept and appropriate the \$114,000.00 Community Parks & Playground Program grant the Town was awarded by the Maryland Department of Natural Resources and authorize the expenditure of the funds in accordance with the terms of the grant award for new park equipment for two of the Town's existing parks, playground borders and resurfacing of two existing tennis courts. Councilman Back seconded the motion and it passed by unanimous vote.

Motion for closed session

Councilman Norris moved to conduct a closed session, pursuant to *Annotated Code of Maryland* Section 10-508(a)(3) – Consider the acquisition of real property for a public purpose and matters directly related thereto. Councilwoman Mudd seconded the motion. Roll call vote: Mayor Hale, Councilmen Winkler, Councilman Back, Councilwoman Mudd and Councilman Norris voted aye. Motion carried by unanimous vote.

Commission Reports

- Councilman Norris, Design Review Board, ex officio, spoke about the joint meeting with the La Plata Business Association and the Design Review Board, to discuss the Sign Moratorium.
- Councilwoman Mudd, Beautification ex officio, stated that a report would be done at a later time.
- Councilman Back, Planning Commission ex officio, reported that the Planning Commission held a public hearing on July 7, 2009 for the 2009 Comprehensive Plan and 2009 Comprehensive Rezoning Map and held a special meeting July 15, 2009 to make a recommendation to the Town Council for the 2009 Comprehensive Plan and 2009 Comprehensive Rezoning Map.
- Councilman Winkler, Parks and Recreation Commission, ex officio, had no report.

Maryland Municipal League Convention attendee reports

- Mayor Hale spoke about his work on the Maryland Municipal League Convention Committee and was appointed Co-Chairman.
- Councilman Norris spoke about the quality of the classes and how much he learned during the Convention.

There being no further business, Councilman Winkler moved to adjourn the meeting at 8:34 PM. Councilwoman Mudd seconded the motion and it passed by unanimous vote. Following a short break, the Council moved into closed session.

Submitted by:

Danielle Mandley
Town Clerk