

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting
November 12, 2003, 7:00 PM

Present: Mayor William F. Eckman, Councilman Wayne Winkler, Councilman Thomas W. Fritz, Councilman Gene Ambrogio; Douglas R. Miller, Town Manager, Judith T. Frazier, Town Clerk

Town staff: Patricia L. Bembe, Assistant Town Manager

Guests: (see roster)

Minutes:

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

Approval of October minutes

Councilman Winkler made a motion to approve the minutes of the October 7, 2003 special meeting, October 7, 2003 closed meeting, October 14, 2003 regular meeting, October 20, 2003 joint work session with Planning Commission, and October 28, 2003 regular meeting, and to open the minutes of the October 7 closed meeting. Councilman Ambrogio seconded the motion and it passed by unanimous vote.

Petitions, Communications and Appearances

Town Seal – Joe Husick

Mayor Eckman read and presented a Town Seal to Joe Husick in appreciation of all he has done for the Town.

Charles D. Ellison, Building Industry Association

Paula Winkler introduced Charles D. Ellison, 2004 President Elect of the Maryland-National Capital Building Industry Association (MNCBIA), who introduced Bill Kennedy (MNCBIA) and David Little, President of Home Builders Care Foundation, Inc. (MNCBIA). Mr. Kennedy presented a donation of \$10,000 for purchasing and planting large caliper trees along Oak Avenue. Mr. Little presented a donation of \$16,000 in support of the new community center. Mayor Eckman and Ms. Winkler thanked them for their generous donations.

Legislation

Ordinance 03-13 Sign Regulations (For Adoption) – For the purpose of repealing the existing sign regulations applicable in the Town of La Plata and adopting new sign regulations;

defining certain terms; specifying a date for conformance with such regulations; requiring a master sign plan under certain conditions; specifying fees for such sign permits; specifying penalties for violations; providing that the provisions of this Ordinance are severable; providing that the provisions of this Ordinance apply to all pending as well as new sign permit applications and all matters generally related thereto.

Mr. Miller advised that there were eleven amendments proposed for this ordinance, two of which were requested by the Planning Commission. Of those two amendments requested by the Planning Commission, Amendment No. 2 deals with the same item regarding freestanding signs in the C-H district as Amendment No. 7, and the Council needs to choose one:

Planning Commission Amendment No. 2:

On page 31, immediately following line 1266, add the following:

(5) FREESTANDING SIGNS IN THE COMMERCIAL HIGHWAY DISTRICT (C-H) EXISTING PRIOR TO _____ (EFFECTIVE DATE OF THIS ORDINANCE) WHICH LIST THREE OR MORE TENANTS ARE REQUIRED TO FILE A MASTER SIGN PLAN IF AT ANY ONE TIME MORE THAN FORTY PERCENT (40%) OF THE EXISTING TOTAL SIGN SQUARE FOOTAGE IS CHANGED OR REPLACED.

Amendment No. 7:

On page 31, immediately following line 1266, add the following:

(5) FREESTANDING SIGNS IN THE COMMERCIAL HIGHWAY DISTRICT (C-H) EXISTING PRIOR TO _____ (EFFECTIVE DATE OF THIS ORDINANCE) WHICH LIST THREE OR MORE TENANTS ARE NOT REQUIRED TO FILE A MASTER SIGN PLAN WHEN ONE OR MORE OF THE SIGN PANELS LISTING A TENANT'S NAME IS REPLACED OR CHANGED.

Following a discussion regarding these two amendments, the Council agreed they wished to amend Planning Commission Amendment No. 2 to include a time limit. Councilman Ambrogio made a motion to amend Planning Commission Amendment No. 2 to include the words "DURING ANY THREE MONTH PERIOD". Councilman Fritz seconded the motion and it passed by unanimous vote. Planning Commission Amendment No. 2 as amended reads as follows:

Planning Commission Amendment No. 2:

On page 31, immediately following line 1266, add the following:

(5) FREESTANDING SIGNS IN THE COMMERCIAL HIGHWAY DISTRICT (C-H) EXISTING PRIOR TO _____ (EFFECTIVE DATE OF THIS ORDINANCE) WHICH LIST THREE OR MORE TENANTS ARE REQUIRED TO FILE A MASTER SIGN PLAN IF DURING ANY THREE MONTH PERIOD MORE THAN FORTY PERCENT (40%) OF THE EXISTING TOTAL SIGN SQUARE FOOTAGE IS CHANGED OR REPLACED.

Councilman Winkler made a motion to adopt Amendments No. 1 through 6, 8 and 9, and Planning Commission Amendment No. 1 and Planning Commission Amendment No. 2 as amended. Councilman Fritz seconded and the motion passed by unanimous vote. The amendments to Ordinance 03-13 are as follows:

Amendment No. 1:

On pages 30 and 31, strike lines 1249 through 1251 in their entirety:

~~(C) ON OR BEFORE _____ (FIVE YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE) WHICHEVER OCCURS SOONER.~~

Amendment No. 2:

On page 43, line 1790 strike "FIFTY (50)" and substitute "SEVENTY (70)";
on line 1790, strike "TWELVE (12)" and substitute "TWENTY (20)";
on line 1792, strike "AND EXTEND THE HEIGHT TO A MAXIMUM OF SIXTEEN (16) FEET IN HEIGHT";
on line 1804, strike "FIFTY (50)" and substitute "SEVENTY (70)";
on line 1805 strike "TWELVE (12)" and substitute "TWENTY (20)"; and
on line 1807 strike "AND EXTEND THE HEIGHT TO A MAXIMUM OF SIXTEEN (16) FEET IN HEIGHT".

Amendment No. 3:

On page 20, strike lines 821 and 822 in their entirety and substitute the following:

ROOF SIGN: ANY SIGN ERECTED AND CONSTRUCTED WHOLLY ON AND OVER THE ROOF OF A BUILDING, SUPPORTED BY THE ROOF STRUCTURE AND/OR EXTENDING VERTICALLY ABOVE THE HIGHEST PORTION OF THE ROOF.

On page 27, line 1053 strike "AND"; and immediately following line 1089 add "N. ROOF SIGNS" and renumber accordingly to read as follows:

(M) ANY SIGN ATTACHED TO A UTILITY POLE, LIGHT POLE, TELEPHONE POLE, STOP SIGN, TRAFFIC SIGN, ETC., EXCEPT FOR MUNICIPAL DECORATIVE FLAGS, UTILITY IDENTIFICATIONS OR SIMILAR POLE IDENTIFICATIONS; ~~AND~~

(N) ROOF SIGNS; AND

On page 36, line 1483, on page 42, line 1735, on page 50, line 2105 and on page 54, line 2276, strike "EXCEPT THE ROOF".

Amendment No. 4:

On page 27, strike lines 984 through 995 in their entirety and substitute the following:

3. SIGN HEIGHT COMPUTATION

THE HEIGHT OF A SIGN SHALL BE COMPUTED AS THE DISTANCE FROM THE HIGHEST ATTACHED COMPONENT OF THE SIGN TO A POINT PARALLEL TO THE ELEVATION OF THE CROWN OF THE PUBLIC STREET MOST ADJACENT TO THE SIGN LOCATION.

Amendment No. 5:

On page 36, strike lines 1487 through 1491 in their entirety; on page 42 strike lines 1739 through 1743 in their entirety; on page 50, strike lines 2109 through 2113 in their entirety and on page 54 strike lines 2280 through 2284 in their entirety and substitute the following to read:

WINDOW SIGNS. SIGNS THAT ARE PLACED INSIDE A WINDOW OR UPON THE WINDOW PANES OR GLASS AND ARE VISIBLE FROM THE EXTERIOR OF THE WINDOW MAY BE ALLOWED PROVIDED THEY COVER NO MORE THAN TWENTY (20) PERCENT OF THE WINDOW GLASS. WINDOW SIGNS SHALL BE CONSIDERED PART OF THE BUSINESS' OVERALL ALLOWED SIGN AREA.

Amendment No. 6:

On page 27, line 1101, insert "AND THEIR FLAGPOLES".

Amendment No. 8:

On page 35, line 1430, strike "THIRTY (30)" and substitute "TWENTY-ONE (21)"; and on line 1432, strike "TWO (2)" and substitute "SIX (6)".

Amendment No. 9:

On page 1, in the heading and on line 1, immediately preceding "Ordinance", insert "EMERGENCY";

and on page 62, strike lines 2623 and 2624 and substitute the following to read:

SECTION 10: AND BE IT FURTHER ENACTED, THAT THIS EMERGENCY ORDINANCE SHALL BECOME EFFECTIVE ON NOVEMBER 15, 2003.

Planning Commission Amendment No. 1:

On page 36, line 1513, immediately following "BE" strike "SEPARATELY".

On page 42, line 1765, immediately following "BE" strike "SEPARATELY".

On page 47, line 1974, immediately following "BE" strike "SEPARATELY".

Planning Commission Amendment No. 2 Amended:

On page 31, immediately following line 1266, add the following:

(5) FREESTANDING SIGNS IN THE COMMERCIAL HIGHWAY DISTRICT (C-H) EXISTING PRIOR TO _____ (EFFECTIVE DATE OF THIS ORDINANCE) WHICH LIST THREE OR MORE TENANTS ARE REQUIRED TO FILE A MASTER SIGN

PLAN IF DURING ANY THREE MONTH PERIOD MORE THAN FORTY PERCENT (40%) OF THE EXISTING TOTAL SIGN SQUARE FOOTAGE IS CHANGED OR REPLACED.

Councilman Winkler made a motion to adopt Ordinance 03-13 as amended. Councilman Fritz seconded the motion and it passed by unanimous vote.

Ordinance 03-14 Sale of La Plata Town Hall and land as surplus property and authorizing the Chief Executive Officer of the Town of La Plata to execute contract of sale (For Introduction) – For the purpose of selling as surplus property the La Plata Town Hall and land addressed as 5 Garrett Avenue and 7 Garrett Avenue, and authorizing the Chief Executive Officer of the Town of La Plata to execute and deliver on behalf of the Town of La Plata the contract of sale of said property; and all matters relating to said surplus property and contract of sale.

Mayor Eckman introduced Ordinance 03-14, dealing with selling as surplus the Town Hall and property.

Unfinished Business

September closed meetings minutes

Councilman Fritz made a motion to open the minutes of the September 16, 2003 closed meeting and to approve and open the minutes of the September 30, 2003 closed meeting. Councilman Winkler seconded the motion and it passed by unanimous vote.

Council reports

Councilman Fritz reported on topics discussed at the Parks and Recreation Commission meeting held earlier today: they are requesting proposals for having the deep culvert piped and filled along Kent Avenue near the Train Station; the contractor started work today installing the pavilion and equipment at Tilghman Lake Park; Mr. Miller has been asked for a fall maintenance schedule on parks; an agreement may be reached with the management company regarding use of the basketball court in Phoenix Run's neighboring development.

Councilman Ambrogio reported on topics discussed at the Kent Avenue Revitalization Committee meeting last week: Chief Gittings advised that police calls have reduced in that community; the Director of Inspections is working on a townhouse which is not up to code and is in the eviction process stage; a holiday decorations contest is planned for the Phoenix Run community.

Councilman Winkler reported that: (1) The La Plata Business Association's dessert social last week was well received. (2) The Historic District Commission will meet November 20 regarding the Ellenwood property. (3) The windows are back in place at the Train Station.

Mayor Eckman reported that the Veterans Salute Parade and Ceremony was the biggest parade ever, and remarked that the Town needs to be sure to continue this and our other events

during the new Town Hall construction phase. The Town Council agreed that a letter should be sent to the County Commissioners requesting use of the soccer field, especially for the Friday evening concerts, from Memorial Day to Labor Day.

Paula Winkler, chairman of the Beautification Commission, reported that the Christmas Tree Lighting Ceremony would be held December 7, at 5:30 PM, and that Joe Harrison is our official tree lighter this year.

New Business (none)

Public Forum

In response to Cheryl McGuire's question regarding hiring a Code Enforcement person now that the sign ordinance has been adopted, Mayor Eckman advised that the Council will discuss that at upcoming retreats, noting that education/information will need to be provided to the public about the sign ordinance, especially regarding temporary signs.

Councilman Winkler advised he was working with Don McGuire to order the emergency warning sirens for the Town.

Mr. Miller provided a brief update on the work being conducted by Severn Trent on St. Mary's Avenue. He advised that they arrived on Veterans Day and are completing one section of pipe per day during this 3-day project. Mr. Miller further advised that he has spoken to James Erdman/Ben Dyer Associates regarding accelerating the streetscape process on St. Mary's.

Mayor Eckman announced that the Council has scheduled a retreat for Saturday, November 22, 2003, at 9:00 AM.

There being no further business, Councilman Ambrogio made a motion to adjourn at 8:00 PM. Councilman Fritz seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk