

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
October 11, 2005

Present: Mayor Gene Ambrogio, Councilman Wayne Winkler, Councilman C. Keith Back, Councilwoman Paretta D. Mudd; Douglas R. Miller, Town Manager; Judith T. Frazier, Town Clerk

Town staff: Patricia L. Bembe, Assistant Town Manager; Joseph W. Norris, Town Treasurer; Cathy Flerlage, Director of Planning and Zoning

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 9:09 PM, Tuesday, September 13, 2005, in the La Plata Town Hall.

Present: Mayor Ambrogio, Councilmen Winkler, Back, Mudd and Newman; Douglas R. Miller, Town Manager; Patricia L. Bembe, Assistant Town Manager; Judith T. Frazier, Town Clerk; Joseph W. Norris, Town Treasurer.

On a motion made by Councilwoman Mudd, seconded by Councilman Back, 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)(1)(i) – Discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction and 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 appointments to Boards and Commissions and consider acquisition of property for future parking lot expansion. Action taken: (1) Appointments to Boards and Commissions: Agreed to reappoint a member of the Planning Commission to another term; no decision regarding appointment to the Parks and Recreation Commission. (2) Acquisition of property for future parking lot expansion: Agreed on a maximum amount to offer to the property owner. The meeting adjourned at 9:35 PM.

Minutes:

Mayor Ambrogio called the meeting to order at 7:00 PM and asked Robert Boyce to lead the Pledge of Allegiance.

Approval of September minutes

Councilman Winkler made a motion to approve the minutes of the September 6, 2005 work session, September 13, 2005 regular meeting, September 13, 2005 closed session, and September 20, 2005 work session. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Treasurer's Report

Mayor Ambrogio acknowledged receipt of the Treasurer's Report dated August 31, 2005.

Petitions, Communications and Appearances (none)

Unfinished Business

Traditional Neighborhood Development (TND) designation request by Somerset Stagecoach, LLC on Parcel 1, Parcel 2 and Parcel 3 of Stagecoach Crossing

Mr. Miller provided a brief description of the background of this TND request and advised if the Town Council grants the designation, it will go back to the Planning Commission for the site development process.

Councilwoman Mudd made a motion to grant the TND designation request by Somerset Stagecoach, LLC on Parcels 1, 2 and 3 of Stagecoach Crossing. Councilman Winkler seconded the motion. In discussion before the vote, Councilman Winkler asked what materials would be used for the buildings. Mr. Miller and Councilman Back advised that it would be a mixture of superior materials as listed in the material guide. Vote on the motion: the motion passed by unanimous vote.

Annexation Agreement – Potomac Investment Group, LLC and Maryland State Highway Administration

Mr. Miller provided a brief description of the agreement and the negotiated additional requirements placed on the property.

Councilman Back made a motion to approve the Annexation Agreement with Potomac Investment Group, LLC and Maryland State Highway Administration. Councilwoman Mudd seconded the motion. In discussion before the vote, Mr. Miller confirmed for Councilman Winkler that the properties would be zoned LI Light Industrial and PL Public Land. Vote on the motion: the motion passed by unanimous vote.

Legislation

Resolution 05-6 Potomac Investment Group, LLC and Maryland State Highway Administration Annexation – 22.38 Acres (For Adoption) – For the purpose of authorizing the annexation of 22.38 acres, more or less, of contiguous land into the corporate limits of the Town of La Plata by amending the corporate limits of the Town; establishing certain terms, conditions and circumstances applicable to such land and to the owners thereof; providing for the zoning of such land upon annexation; and all matters relating to the annexation of such 22.38 acres of land, more or less, into the Town of La Plata.

Mr. Miller briefly described Resolution 05-6 and the zoning on the properties.

Mayor Ambrogio explained that there are three amendments to this resolution which must be adopted first: Amendment #1 corrects the acreage of contiguous land to be annexed. Amendment #2

corrects the year of the current volume of the State Code. Amendment #3 clarifies the zoning classifications assigned to the properties being annexed.

Councilman Winkler made a motion to adopt Amendments 1 through 3 to Resolution 05-6. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Councilwoman Mudd made a motion to adopt Resolution 05-6 as amended. Councilman Back seconded the motion. In discussion before the vote, Councilman Back noted that this annexation contained no residential property and would afford the Town control over the property if the use ever changes. Roll call vote: Mayor Ambrogio and Councilmen Winkler, Back, and Mudd voted aye. Motion carried by unanimous vote.

Resolution 05-9 Approval of the “Building Blocks for Success” project by the Center for Children, Inc. (For 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.

Mr. Miller described the purpose of Resolution 05-9.

Councilwoman Mudd made a motion to adopt Resolution 05-9. Councilman Back seconded the motion. In discussion before the vote, Councilwoman Mudd expressed support of The Center for Children and the work they do in Charles County. Vote on the motion: the motion passed by unanimous vote.

Resolution 05-10 Rosewick Limited Partnership Annexation – 119.0 Acres (For Introduction) – For the purpose of authorizing the annexation of 119.0 acres, more or less, of contiguous land into the corporate limits of the Town of La Plata by amending the corporate limits of the Town; establishing certain terms, conditions and circumstances applicable to such land and to the owners thereof; providing for the zoning of such land upon annexation; and all matters relating to the annexation of such 119.0 acres of land, more or less, into the Town of La Plata.

Mr. Miller briefly explained the purpose of Resolution 05-10 and advised that the petition included the State Highway Administration (SHA) and Potomac Investment Group properties. Due to the approval of Resolution 05-6, which annexed the SHA and Potomac properties, that acreage will be removed from the Rosewick Limited Partnership annexation petition.

Resolution 05-11 FY 2006 School Seat Allocations (For Adoption) – For the purpose of distributing available school seats among the School Seat Allocation Pools for new residential development in the Town during the Town’s ensuing fiscal year; and all matters generally relating thereto.

Mr. Miller briefly explained the purpose of Resolution 05-11.

Councilman Back made a motion to adopt Resolution 05-11. Councilwoman Mudd seconded the motion. In discussion before the vote, Councilman Winkler remarked that the allocation of school

seats helps slow down development and overcrowding the schools. He further remarked that builders may negotiate with the Board of Education to pay for school construction in order to build more dwellings. Vote on the motion: the motion passed by unanimous vote.

Ordinance 05-15 Approval of Cable Television Franchise Renewal Agreement with Comcast of Maryland, Inc. (For Introduction) – For the purpose of approving a cable television franchise renewal agreement with Comcast of Maryland, Inc.; and all matters generally relating thereto.

Ordinance 05-16 Cable Television (For Introduction) – For the purpose of removing certain cable television service standards and requirements from the Code of the Town of La Plata and including such standards and requirements within the Cable Television Franchise Agreement; correcting the terminology used to identify the Town of La Plata and the Council of the Town of La Plata; and all matters generally relating thereto.

Mr. Miller briefly explained the purpose of Ordinance 05-15 and Ordinance 05-16.

Public hearing

Franchise Renewal Agreement with Comcast of Maryland, Inc.

Mayor Ambrogio called the hearing to order and explained the purpose of the hearing. Mr. Miller entered into the record the Certification of Publication of the hearing notice in the October 7, 2005 edition of the Maryland Independent.

Joe Lehan, Chris Comer and Trisha Furman, of Comcast, were present to provide information regarding the franchise renewal agreement. Mr. Lehan provided copies of a PowerPoint print-out, “Comcast – Town of La Plata Cable Television Franchise Agreement Overview.” As regards the negotiations with the Town for the franchise renewal agreement, Mr. Lehan remarked that Ms. Bembe was a good steward of the Town’s interests and had been very helpful.

Mayor Ambrogio asked if anyone in the audience wished to speak. No one wished to speak.

There being no speakers and no further discussion by the Town Council, Mayor Ambrogio closed the hearing.

New Business

Report and recommendation of Planning Commission regarding Traditional Neighborhood Development (TND) request by GP Homes, LLC on Parcels 17, 18, 20, 21, 22, 23, 24 and 25 of Heritage Green

Cathy Flerlage, Director of Planning and Zoning, presented the report of the Planning Commission, dated October 11, 2005, and their recommendation that the Town Council approve the requested TND designation for Parcels 17, 18, 20, 21, 22, 23, 24 and 25 of Heritage Green. Following a brief discussion, the Council agreed to schedule a public hearing to be held on this request on November 8.

Appointments (Planning Commission and Parks and Recreation Commission)

Mayor Ambrogio explained an oversight in September, 2003 when Robert A. Jacobs was inadvertently not reappointed to the Parks and Recreation Commission as was planned and recommended that Mr. Jacobs be reappointed to a 4-year term on the Parks and Recreation Commission, effective September 30, 2003. Mayor Ambrogio also recommended that Keith A. Hettel be reappointed to a 5-year term on the Planning Commission.

Councilman Winkler made a motion to approve the reappointments as recommended. Councilman Back seconded the motion and it passed by unanimous vote.

Proclamation – Trick or Treat Evening

Mayor Ambrogio read the Proclamation declaring October 31, 2005, from 6:00 PM to 8:00 PM, as Trick or Treat Evening in the Town of La Plata.

Commission Reports

Councilman Back reported on topics discussed at the October 4 Planning Commission meeting.

Councilwoman Mudd advised that the Beautification Commission has not met since the last Council meeting and reported she attended her first Design Review Board meeting.

Councilman Winkler advised that the La Plata Business Association cancelled its last meeting.

Mayor Ambrogio announced that the Town would hold its annual Veterans Salute Parade and Ceremony on November 6, and reported that the movie night held on September 30 was successful and that consideration may be given to do this again next year.

Public Forum

Mike Runfola, 113 Morris Drive, thanked Mayor Ambrogio and Mr. Miller for attending the meeting at which the Drummond report was presented to the County Commissioners, and made several suggestions about what the Town should do regarding the water supply issue. Mr. Runfola agreed to Mayor Ambrogio's request that he put the suggestions in writing for the Town to address.

Robert Boyce, President of the Southern Maryland Carousel Group, provided an update on their search for a location for the Carousel Museum, noting they would advise the Town when a decision had been made on the location.

Steve Urso, 1013 Agricopia Drive, asked for an update on the Radio Station Road property, noting he was trying to obtain factual information to share with his neighbors and other neighboring homeowners associations.

Councilman Winkler provided a brief description of the fire damage to and state of disrepair of the DeAngelis building, and the Town's attempts to work with the owner to acquire the property for a

road widening and traffic signal project. Councilman Winkler cited sections of the Town Charter which apply to inspecting dangerous buildings, requiring they be made safe or removed, and condemnation of property. Councilman Winkler moved that, pursuant to Section C6-1.B.(9) of the Charter of the Town of La Plata, the Town Inspector be directed to inspect the building, condemn it if necessary, and require that the building be made safe or be taken down; and pursuant to Section C13-2., begin condemnation proceedings. Councilman Back seconded the motion. During discussion before the vote, it was noted that Mr. Mudd, attorney for Mrs. Lawlor, was out of town and the Council agreed with Mr. Miller's suggestion that they wait until more information can be provided to the Council before proceeding to condemnation. Councilman Winkler moved to withdraw his original motion. Councilwoman Mudd seconded the motion to withdraw. Vote on the motion: passed by unanimous vote.

Motion for Closed Session

Councilman Back made a motion to conduct a closed session immediately following the Council's work session scheduled at 6:00 PM, on Tuesday, October 25, 2005, pursuant to *Annotated Code of Maryland* Section 10-508(a)(7) – Consult with counsel to obtain legal advice. Councilwoman Mudd seconded the motion. Roll call vote: Mayor Ambrogio and Councilmen Winkler, Back, and Mudd voted aye. Motion carried by unanimous vote.

There being no further business, Councilwoman Mudd made a motion to adjourn at 8:07 PM. Councilman Back seconded the motion and it carried.

Submitted by:

Judith T. Frazier, Town Clerk