

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting
January 13, 2004, 7:00 PM

Present: Mayor William F. Eckman, Councilman Wayne Winkler, Councilman Thomas W. Fritz, Councilman Gene Ambrogio, Councilman Roy G. Hale; Douglas R. Miller, Town Manager; Patricia L. Bembe, Assistant Town Manager; Judith T. Frazier, Town Clerk

Town staff: Joseph W. Norris, Town Treasurer; B. Gayle Curry

Guests: (see roster)

Minutes:

Mayor Eckman called the meeting to order at 7:00 PM and acknowledged the death of Charlie Spalding, noting that Mr. Spalding was a charter member of the Charles County Rescue Squad and had been a barber for many years in the town. Mayor Eckman asked all to rise for a moment of silence in memory of Mr. Spalding. Mayor Eckman then led the Pledge of Allegiance.

Approval of December, 2003 minutes

Councilman Fritz made a motion to approve the minutes of the December 9, 2003 regular meeting. Councilman Winkler seconded the motion and it passed by unanimous vote.

Councilman Hale made a motion to approve the minutes of the December 23, 2003 regular meeting. Councilman Ambrogio seconded the motion and it passed by unanimous vote.

Petitions, Communications and Appearances

Beautification Commission presentation - 2003 Christmas Decorations Contest winners

Paula Winkler, Chairman of the Beautification Commission, and Gayle Curry, Town staff liaison, presented certificates of appreciation to those present of the people who won the 2003 Christmas Decorations Display contest in the residential and commercial categories:

Residential-1st Place

Craig and Cheryl Cavalier
1035 Suffolk Drive

Joe and Judy Thomason
102 Oriole Lane

Ralph and Ina Connatser
510 Scarlet Oak Road

Residential-Honorable

Mentions

Sue Richardson
310 Caroline Drive, #C-11

Carl and Bobbie Baldus
8870 Old Stagecoach Road

Matthew and Rita DeLane
711 Silver Linden Drive

Keith and Kerry Smith
608 Worcester Street

Glenn and Christine Frank
1326 Redwood Circle

Frederick and Debra Wyant
107 Quailwood Parkway

Commercial – First Place
Stacy M. Scott
Charles Street Boutique
403 Charles Street

Commercial – Honorable
Mention
Calvin Bowling
Sycamore Accents
406 Charles Street

Virgil and Jaunita Burnette
1108 East Patuxent Drive

Public hearing

Ordinance 03-18 Hospitals as Permitted Uses in the C-B Central Business District – For the purpose of including Hospitals as a permitted use in the C-B Central Business District zone; specifying the required off-street parking spaces for such use in the C-B Central Business District zone; and all matters generally relating to said use and off-street parking requirements.

Ordinance 03-19 Traditional Neighborhood Development – For the purpose of creating Traditional Neighborhood Development (TND) as an overlay zone within the Mixed Use District; specifying criteria and regulations for TND, defining certain terms; and all matters generally relating thereto.

Mayor Eckman opened the hearing. Mr. Miller advised for the record that the hearing on Ordinance 03-18 and Ordinance 03-19 had been properly advertised in the December 26, 2003 edition of the Maryland Independent, and entered into the record the Certificate of Publication.

Mr. Miller advised that the Planning Commission recommended the Town Council adopt Ordinance 03-18, with the provision that the parking space requirement of one space per employee be reviewed. Mr. Miller suggested that the Town Council deal with the parking ratio as a separate issue. Mr. Miller further advised that the Planning Commission made no recommendation regarding Ordinance 03-19, and will hold a work session on January 21, 2004, to go through the many details involved with creating Traditional Neighborhood Development regulations.

Mr. Miller provided a brief explanation of Ordinance 03-18. Mayor Eckman asked if anyone wished to speak regarding Ordinance 03-18. No one wished to speak.

Mr. Miller provided a brief explanation of Ordinance 03-19, noting again that the Planning Commission has scheduled a work session on this ordinance on January 21. Mayor Eckman asked if anyone wished to speak regarding Ordinance 03-19. No one wished to speak.

Mayor Eckman asked if the Town Council had any questions regarding these ordinances. Councilman Winkler remarked that Traditional Neighborhood Development regulations are complicated and will require high quality from developers. Speaking as a representative of the Planning Commission, Councilman Hale remarked that this is an extensive ordinance and the Planning Commission decided they needed to discuss it in more detail at a work session. He also noted that Traditional Neighborhood Development has much good potential for the Town, but the Town must also consider how the regulations will apply to developments other than the Steeplechase development proposed by Mr. Lenhart.

There being no other speakers and no further discussion by the Council, Mayor Eckman closed the hearing.

Legislation

Ordinance 03-17 Motorized Scooters and Motorized Skateboards – For the purpose of prohibiting the use of motorized scooters and motorized skateboards on public property; and all matters generally relating to said prohibition.

Mr. Miller explained that Chief Gittings believes that enforcement can be handled by use of current motor vehicle law. Based on that information, Mr. Miller asked the Council if they would withdraw Ordinance 03-17.

Mayor Eckman asked for a motion to withdraw Ordinance 03-17. Councilman Winkler made the motion to withdraw Ordinance 03-17. Councilman Hale seconded the motion. In discussion prior to the vote, Councilman Hale indicated he would still prefer to leave the ordinance in place to show the Town's concern regarding this issue. The Council agreed they wished to delay action until more information is obtained. In response to Mayor Eckman's request, Councilmen Winkler and Hale withdrew their motion and second.

Ordinance 03-19 Traditional Neighborhood Development – For the purpose of creating Traditional Neighborhood Development (TND) as an overlay zone within the Mixed Use District; specifying criteria and regulations for TND, defining certain terms; and all matters generally relating thereto.

Mr. Miller advised again that the Planning Commission recommended the Town Council adopt Ordinance 03-18, with the provision that the parking space requirement reviewed, which Mr. Miller suggested that the Town Council deal with as a separate issue. Councilman Hale explained that the Planning Commission questioned whether adjustments should be made to the parking ratio of one space per employee since hospitals are a 24-hour operation and employees arrive to work in different shifts. Mayor Eckman asked the Council if they wished to act on Ordinance 03-18 and handle the parking issue separately. Councilman Hale and Mr. Miller noted there is some urgency to pass this legislation as the hospital and Town are due to settle on the Town Hall property in February.

Councilman Hale made a motion to adopt Ordinance 03-18, with the stipulation that the parking issue be resolved as a separate matter. Councilman Fritz seconded the motion and it passed by unanimous vote.

Unfinished Business

Council reports

Councilman Winkler reported that the Train Station is closed for the winter and noted that there may be train station memorabilia donated in the near future. He also reported briefly that the La Plata Business Association will have the marketing brochures ready soon, that they

will be getting LPBA member stickers, and that they expect 15 new members at their February meeting. He further noted that the Historic District Commission is on a meet as needed basis.

Councilman Ambrogio reported that there would not be a January meeting of the Beautification Commission. He also reported that the Kent Avenue Revitalization Committee held a Christmas decorations contest and has scheduled another neighborhood clean-up day on March 27. Councilman Ambrogio remarked that the St. Mary's Avenue roadbed appears to be improved.

Councilman Fritz reported that topics to be discussed at the January 14 Parks and Recreation Commission include reviewing parks and discussing the Town Lake, the Train Station, and the park at the Train Station.

Councilman Hale reported on topics discussed at the January 6 Planning Commission. He also reported that the first meeting was held today regarding planning the event that will be the second recognition of the April 2002 tornado.

In response to Mayor Eckman, Paula Winkler provided an update on the tree planting project, which began today with the planting of a large caliper Oak on the O'Farrell property at the corner of Oak Avenue and Worcester Street. Ms. Winkler advised there would be a total of ten large caliper Oaks planted on private property along Oak Avenue, for which each property owner has agreed to be responsible as to care and maintenance. Ms. Winkler recognized the generosity of the donations from the Maryland Mayors Association, the Maryland National Capital Building Industry Association, and the Chaney Foundation, whose donations provided the money to purchase the large caliper Oak trees, and Russell Watson of Robin Hill Farm Nursery, who negotiated very favorable prices for the purchase of the large trees and for planting them.

Mayor Eckman reported on the status of the new Town Hall project, noting that a final design should be ready soon.

Councilman Ambrogio thanked the residents of Morris Drive for adopting Heritage Green Parkway in the Adopt-A-Road program, and encouraged any other groups to contact him for start-up information.

In response to Mayor Eckman, Mr. Miller provided a brief update on the status of the park construction project at Tilghman Lake, noting that the small pavilions have been constructed but there has been a delay in constructing the large pavilion.

New Business

Budget amendment

Following a brief explanation, Councilman Hale made a motion to amend the FY 03 Budget by reallocating the amount of \$342,000 from General Government-Tornado (capital outlay) to Public Safety-Police Department (capital outlay), and to make said amendment

effective June 30, 2003, for the purpose of posting the old post office purchase to the appropriate account. Councilman Winkler seconded the motion. In discussion prior to the vote, Mayor Eckman clarified that this does not mean the Town is spending more money. Rather, it means the Town is moving this item from one account to another account. The motion passed by unanimous vote.

Public Forum

Patty Simpson, 110 Quail Court, read from a prepared statement [*copy given to the Town Clerk*] and asked the Mayor and Council to review the petitions regarding the special exception for a senior living community and variance to the buffer yard requirements for Hawthorne Greene Section 2, and to consider the impact that approval of the petitions would have on the neighboring properties.

Blake Altman, 104 Quail Court, read from a prepared statement [*copy given to the Town Clerk*] and expressed his opposition to granting the petitions for special exception and variance for Hawthorne Greene Section 2. Mr. Altman asked the Town Council to discuss this matter with the Board of Appeals and to express his concerns.

Joann Worden, 711 Worcester Street, questioned the recycling charge on her utility bill. She advised she does not participate in the recycling program and felt she should be able to choose not to pay the charge. Mayor Eckman, Mr. Miller and Mr. Norris explained that the recycling program was necessary because Charles County was mandated to reduce by 15% the waste dumped at the landfill. Charles County charges all county residents an environmental fee. The Town charges all utility accounts a recycling fee; however, for the most part it is offset by a reduction in the residential trash collection fee.

Patty Simpson expressed a safety concern regarding the storm water management pond in Jamestowne Subdivision, off Oriole Lane. She advised that children are testing the ice on the pond. Mayor Eckman asked Mr. Miller to have the police department look into this situation.

There being no further business, Councilman Winkler made a motion to adjourn at 8:15 PM. Councilman Ambrogio seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk