

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
March 14, 2006

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

Town staff: Cathy Flerlage, Director of Planning and Zoning; Carol Rollins, Development Coordinator

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 7:17 PM, Tuesday, February 21, 2006, in the La Plata Town Hall.

Present: Mayor Ambrogio, Councilmen Winkler, Back, Mudd and Newman; Douglas R. Miller, Town Manager; Judith T. Frazier, Town Clerk; Frederick C. Sussman, Town Attorney

On a motion made by Councilman Winkler, seconded by Councilman Newman, 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; and Section 10-508(7) Consult with counsel to obtain legal advice; and 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. The purpose of the meeting was to discuss (1) Faison annexation petition; (2) Faison annexation agreement; and (3) Personnel issue – Town Manager recruitment. Action taken: Faison annexation petition: The Town Council agreed to inform the petitioner that the Town Council considers the annexation petition flawed and that they may submit a new, clean petition. Faison annexation agreement: This topic was not discussed. Personnel issue – Town Manager recruitment: The Town Council directed the Town Manager to ask Scott Hancock of Maryland Municipal League (MML) for potential candidates from within Maryland; to place an advertisement of the Town Manager position in the MML Bulletin; and to prepare a draft of job qualifications to be reviewed by the Town Council. Upon motion duly made, seconded and adopted by unanimous vote, the Town Council appointed Michelle Miner as Town Manager on a short term basis and specified the term of appointment, compensation, and that an agreement be entered into regarding same. The meeting adjourned at 8:42 PM.

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 6:10 PM, Wednesday, March 8, 2006, in the La Plata Town Hall.

Present: Mayor Ambrogio, Councilmen Winkler, Back, Mudd and Newman; Michelle D. Miner, Assistant Town Manager; Judith T. Frazier, Town Clerk

On a motion made by Councilman Winkler, seconded by Councilwoman Mudd, 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. The purpose of the meeting was to interview a potential candidate for position of Town Manager. Action taken: The Town Council interviewed a candidate for the position of Town Manager. The meeting adjourned at 7:43 PM.

Minutes:

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

Approval of February minutes

Councilman Winkler moved to approve the minutes of the February 7, 2006 work session, February 14, 2006 regular meeting, February 21, 2006 special meeting and work session, February 21, 2006 closed meeting, and February 28, 2006 work session. Councilman Newman seconded the motion and it passed by unanimous vote.

Treasurer's Report

Mayor Ambrogio acknowledged receipt of the Treasurer's Report dated January 31, 2006.

Petitions, Communications and Appearances

Proclamation – March as American Red Cross Month

At Mayor Ambrogio's request, Councilman Back read a Proclamation declaring March as American Red Cross Month, and presented it to Mike Zabko, CEO of the Southern Maryland Chapter. Mr. Zabko was accompanied by other representatives of the Southern Maryland Chapter: Bob Gretton ("Bunky the Clown", Volunteer-Red Nose Relief), John Reith, Board member and Treasurer, and Jeremy Tyler, Director of Disaster Services. Mr. Zabko thanked the Town Council and residents of the Town and surrounding area for their support of the American Red Cross.

Proclamation – Municipal Government Works Month - April 2006

At Mayor Ambrogio's request, Councilman Newman read the Proclamation declaring April, 2006 as Municipal Government Works Month.

Cheryl McGuire – presentation regarding testing of the “early warning devices”

Ms. McGuire reported that the five warning sirens are scheduled to be tested at 10:00 AM on Saturday, March 25. The message will say “This is a test.” The test is to determine if the sirens work and what coverage area they have. Ms. McGuire explained that they need volunteers to be positioned for about five minutes at specific locations during the test, and to report back how well they heard the siren and test message. She will be working with Michelle Miner to place a notice in the newspaper to let residents know about the test. The Town Council agreed to volunteer and to ask neighbors to participate. Volunteers are to contact Ms. Miner for specifics about their assignments. Ms. McGuire advised that the sirens should be tested at least twice a year, which she noted should pose no difficulty to accomplish.

Public hearing

Ordinance 06-2 Public Garage/Maintenance-Equipment Yards as Permitted Uses in the L-I Light Industrial District – For the purpose of including Public Garage/Maintenance-Equipment Yards as permitted uses in the L-I Light Industrial District zone; specifying that the uses abut an arterial or collector street and have direct access through the L-I Light Industrial District to that arterial or collector street; and all matters generally relating to said permitted uses and abutment to and access to arterial or collector street requirements.

Ordinance 06-3 Restaurant Definitions – For the purpose of amending the definitions of the terms, “Restaurant”, “Restaurant, Fast-Food Carry-out”. and “Restaurant, Drive-in or Drive-thru”; deleting the terms and uses, “Restaurant, Fast-Food” and “Restaurant, Fast-Food Cafeteria”; including “Restaurant, Carry-out” as a permitted principal use and structure in the I Industrial District; including “Restaurant” and “Restaurant, Carry-out” as permitted principal uses and structures in the L-I Light Industrial District; and all matters generally relating to said definitions and provisions as permitted principal uses and structures.

Ordinance 06-4 Building Height – For the purpose of specifying the maximum building height in measurements of vertical feet and removing the reference to number of stories; reducing the maximum building height of single family attached dwellings in Senior Living Communities; and all matters generally relating to said measurement and maximum building heights.

Mayor Ambrogio called the hearing to order. Mr. Miller entered into the record the Certification of Publication of the notice of the hearing regarding these three ordinances in the February 24, 2006 edition of the Maryland Independent.

Mr. Miller briefly explained the purpose of Ordinance 06-2.

Ms. Flerlage briefly explained the purpose of Ordinance 06-3 and responded to questions from the Council regarding the potential of a Burger King or McDonald's to have a store in the downtown area. Ms. Flerlage advised that this would be possible if they have no drive-through window, but noted that statistically they report that approximately 30% of their revenue comes from drive-through window customers, and that they would need to be sure of a walk-in customer base to make up that revenue.

Ms. Flerlage briefly explained the purpose of Ordinance 06-4.

Mayor Ambrogio entered into the record the Planning Commission's memorandum to the Town Council dated March 14, 2006, in which they advise that there were no speakers at the hearings they held on March 7, 2006, and recommend that the Town Council adopt Ordinances 06-2, 06-3, and 06-4.

Mayor Ambrogio asked if anyone in the audience wished to speak.

Tom Fenner, 308 Prince George's Street, questioned the definition of "Restaurant" in Ordinance 06-3. He asked how the Town will determine the principal business when there are both food and liquor sales. He cited as an example the Casey Jones restaurant. Mr. Miller noted that there may be a need to further define "Restaurant." Mr. Fenner also asked for and received clarification from Ms. Flerlage regarding building heights in Ordinance 06-4.

Councilman Winkler advised that, for those interested in researching aspects of the Town Code, it is available via a link on the Town's web page.

There being no other speakers and no further discussion by the Town Council, Mayor Ambrogio closed the hearing at 7:27 PM.

Legislation

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

Mr. Miller briefly explained Ordinance 05-15, the franchise renewal agreement, the three amendments to Ordinance 05-15, and provided clarification for Councilman Winkler regarding the "Competitive Equity" amendment.

Councilwoman Mudd moved to adopt Amendments 1, 2 and 3 to Ordinance 05-15. Councilman Newman seconded the motion and it passed by unanimous vote.

Councilman Winkler moved to adopt Ordinance 05-15 as amended. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Ordinance 05-16 Cable Television (For Adoption) – 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 Ordinance 05-16.

Councilman Winkler moved to adopt Ordinance 05-16. Councilman Back seconded the motion. In discussion before the vote, Councilman Back praised the work that Patti Bembe, Assistant Town Manager, did on the cable television franchise agreement, noting she had helped the Town Council get through some difficult issues, and that the Town Council and the town owe her a great debt of gratitude. Vote on the motion: the motion passed by unanimous vote.

Ordinance 06-5 Property Exchange Agreement (For Introduction) – For the purpose of approving a certain Agreement of Property Exchange with Hawthorne Green, LLC; determining that certain property owned by the Town and described in the Agreement of Property Exchange is no longer needed for public use and authorizing the conveyance of such property pursuant to such Agreement of Property Exchange; and all matters generally related to the disposition of certain Town property.

Mr. Miller briefly explained the purpose of Ordinance 06-5.

Ordinance 06-6 Manner of address – time limit (For Introduction) – For the purpose of specifying the length of time a person may speak at a meeting of the Council of the Town of La Plata; and all matters generally relating to said time limit.

Councilman Winkler briefly explained the purpose of Ordinance 06-6, noting he had researched the Charles County Commissioners rules of procedure, which provide that the Commissioners do not debate speakers at public meetings and provide for a time limit. Councilman Winkler noted that the Town Council can choose to allow more time over the limit of three minutes proposed by this ordinance.

Unfinished Business (None)

New Business

Appropriation of funding: Assistant Town Manager and interim Town Manager

Councilman Back moved to appropriate funding in the amount of \$1,130 for Assistant Town Manager and in the amount of \$3,100 for interim Town Manager. Councilman Newman

seconded the motion. In discussion before the vote, Councilman Winkler and Councilwoman Mudd advised they did not understand the appropriation and wanted more discussion on it. Mr. Miller advised that since the Town Council will need to hold a special meeting before the regularly scheduled work session on March 21 in order to introduce the Faison annexation resolution, he would have more information for them and they could discuss this appropriation at that special meeting. The Town Council was in agreement with this course of action. Councilman Back withdrew his motion and Councilman Newman withdrew his second to the motion.

Commission Reports

Councilman Winkler reported that the Historic District Commission met regarding a Certificate of Appropriateness for the De Angelis Building. Councilman Winkler announced that the La Plata Business Association would be holding a farewell breakfast for Mr. Miller on Wednesday, March 15, 7:30 AM to 8:30 AM, at the Roy Rogers Restaurant.

Councilman Back reported on topics discussed at the March 7 Planning Commission meeting.

Councilman Newman reported that the Parks and Recreation Commission is still working on the park area near the Fire Museum, and recommended this type of improvement for other areas of the Town.

Train Station

Councilman Winkler advised he is working on getting quotes for a much-needed shed for the Train Station, noting that they need storage space for their Christmas tree and outdoor decorations and boxes of La Plata history books. He also advised he is working on getting quotes for installation of storm windows and storm doors, noting that the electric bill for the Train Station is very high for both heating and cooling, even though moderate temperatures are maintained. When prices are obtained, Councilman Winkler advised he would be asking the Town Council for authorization for both expenditures. In response to Councilman Newman's concern regarding the aesthetics of the shed, Councilman Winkler noted that the paint colors would be the same as the Train Station and that the shed would not be able to be seen from Kent Avenue.

Meeting rooms – Wills Park and Police Station

Councilman Newman remarked that Wills Park was looking very nice since the improvements have been made to the building. He asked if there would be any differentiation in rental policies between the meeting rooms in Wills Park and the new police station. Mr. Miller advised that only \$7,000 of the \$30,000 budgeted was spent on the improvements at Wills Park, and that the use of the remaining amount and the use policies will be on the next work session agenda.

Public Forum (No speakers.)

Mayor Ambrogio acknowledged that this was Mr. Miller's last official business meeting. He thanked Mr. Miller for all of the help he had given him and wished him blessings on his new job in Aberdeen. Councilman Newman thanked Mr. Miller for his professionalism and the way he conducts business. Councilman Back thanked Mr. Miller and noted that the Town and its residents have been blessed to have him here for 18 years. He further noted that Mr. Miller led the Town through a lot of issues, including tornadoes, annexations, and change of Town Council, and that he always stood up for the Town and had the desires of the Town first. Councilman Back wished Mr. Miller well in Aberdeen and remarked that Aberdeen is very lucky as they are getting someone with a lot of knowledge. Councilwoman Mudd remarked that she has always admired Mr. Miller's professionalism during all of his 18 years with the Town, and thanked him for everything he has given to the Town. Councilman Winkler thanked Mr. Miller for everything he had done for the Town and noted that his knowledge will be extremely missed.

Following a hearty round of applause by all present, Mr. Miller noted that "this has been an absolute great run", a wonderful Town, and that he had "absolutely loved working with a super group of dedicated employees that made my job very easy" and that he "enjoyed working with the people that take an interest in the Town." Mr. Miller further noted that he thought the future of the Town is very bright and that he was very honored to have been a part of it.

There being no further business, Councilman Winkler moved to adjourn at 7:59 PM. Councilwoman Mudd seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk