

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting
December 14, 2004, 7:00 PM

Present: Mayor William F. Eckman, Councilman Wayne Winkler, Councilman C. Keith Back, Councilman Gene Ambrogio, Councilman Roy G. Hale; Douglas R. Miller, Town Manager; Judith T. Frazier, Town Clerk

Town staff: Sgt. Wathen, Sgt. Brooks, Pfc. Powers, Officer Bagley, La Plata Police Department

Guests: (see roster)

Minutes:

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

Treasurer's Report

Mayor Eckman acknowledged receipt of the Treasurer's Report dated October 31, 2004. [Scheduled for November 23, 2004 meeting which was cancelled.]

Approval of November minutes

Councilman Hale made a motion to approve the minutes of the November 1, 2004 special meeting, November 1, 2004 closed meeting, and November 9, 2004 regular meeting. Councilman Winkler seconded the motion and it passed by unanimous vote.

Election of C. Keith Back to Ward II Council seat

Councilman Hale moved to nominate C. Keith Back to fill the Ward II Council vacancy. Councilman Ambrogio seconded the motion and it passed by unanimous vote. Councilman Hale moved that nominations be closed. Councilman Winkler seconded the motion. The motion passed by unanimous vote. Mayor Eckman asked for a motion to have the Clerk record that the Council cast a unanimous vote. Councilman Hale so moved, Councilman Ambrogio seconded, and the motion passed by unanimous vote. Mayor Eckman administered the oath of office to C. Keith Back.

Petitions, Communications and Appearances

La Plata Police Department presentation to Reverend William Miller

Sgt. Wathen read and presented a plaque to Reverend Miller in appreciation of his 15 years of service as chaplain to the La Plata Police Department, and also gave him a mug which had Reverend Miller's name on it.

Maryland New Car and Truck Dealers Association presentation to La Plata Police Department

In the absence of representatives from the Maryland New Car and Truck Dealers Association, Sgt. Wathen explained that Pfc. Powers wrote a grant application which resulted in the La Plata Police Department receiving four adult CPR manikins which are used in training sessions. Sgt. Wathen reported that a number of Town Staff received Automated External Defibrillator training on December 9, 2004.

Sgt. Wathen also reported that he and Officer Bagley had participated in the "Shiver in the River" fund raiser the previous Saturday, which raised approximately \$64,000 for Special Olympics, setting a new record for the Southern Maryland region.

Legislation

Ordinance 04-13 Sign Regulations (For Adoption) – For the purpose of defining certain terms; specifying certain signs that are exempt from these regulations; providing that window signs are not considered part of the business' overall allowed signage; increasing the time allowed for public event signs; providing that a sandwich board sign must be on-site and does not require a permit; providing for building identification signs under a Master Sign Plan; providing corner lots with additional signage; providing buildings with multiple public entrances additional signage; providing walk-up restaurants with additional signage; providing for "grand opening" signs; clarifying detached signs; providing for signage in residential and senior living communities; providing that the provisions of this Ordinance are severable and all matters generally related thereto.

Mr. Miller briefly described Ordinance 04-13 and the amendments.

Mayor Eckman asked for motions on the three amendments and Ordinance 04-13.

Councilman Winkler made a motion to adopt the three amendments. Councilman Hale seconded the motion and it passed by unanimous vote. The amendments to Ordinance 04-13 are as follows:

Planning Commission Amendment No. 1

INTENT: To provide a cap on the total amount of window signage.

On page 7, line 262, immediately following "glass", add "AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET" to read as follows:

(4) ***Window Signs.*** Signs that are placed WITHIN TWO (2) FEET 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 **AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET.** Window signs shall NOT be considered part of the business' overall allowed sign area.

On page 9, line 352, immediately following “glass”, add “AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET” to read as follows:

(4) **Window Signs.** Signs that are placed WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. Window signs shall NOT be considered part of the business’ overall allowed sign area.

On page 14, line 548, immediately following “glass”, add “AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET” to read as follows:

(4) **WINDOW SIGNS.** SIGNS THAT ARE PLACED WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. WINDOW SIGNS SHALL NOT BE CONSIDERED PART OF THE BUSINESS’ OVERALL ALLOWED SIGN AREA.

On page 19, line 796, immediately following “glass”, add “AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET” to read as follows:

(4) **Window Signs.** Signs that are placed WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. Window signs shall NOT be considered part of the business’ overall allowed sign area.

On page 21, line 885, immediately following “glass”, add “AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET” to read as follows:

(4) **Window Signs.** Signs that are placed WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. Window signs shall NOT be considered part of the business’ overall allowed sign area.

Planning Commission Amendment No. 2:

INTENT: To clarify the location of sandwich boards.

On page 7, lines 283 and 284, strike “ON SITE”;

On page 10, lines 374 and 375, strike “ON SITE”;

On page 17, line 675, strike “ON SITE”;

On page 20, lines 817 and 818, strike “ON SITE”;

On page 22, lines 907 and 908, strike “ON SITE”;

Amendment No. 1:

INTENT: To eliminate the permit requirement for window signs.

On page 7, line 263, immediately following “area”, add “AND DO NOT REQUIRE A PERMIT” to read as follows:

(4) ***Window Signs.*** Signs that are placed WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. Window signs shall NOT be considered part of the business’ overall allowed sign area AND DO NOT REQUIRE A PERMIT.

On page 9, line 353, immediately following “area”, add “AND DO NOT REQUIRE A PERMIT” to read as follows:

(4) ***Window Signs.*** Signs that are placed WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. Window signs shall NOT be considered part of the business’ overall allowed sign area AND DO NOT REQUIRE A PERMIT.

On page 14, line 550, immediately following “AREA”, add “AND DO NOT REQUIRE A PERMIT” to read as follows:

(4) ***WINDOW SIGNS.*** SIGNS THAT ARE PLACED WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. WINDOW SIGNS SHALL NOT BE CONSIDERED PART OF THE BUSINESS’ OVERALL ALLOWED SIGN AREA AND DO NOT REQUIRE A PERMIT.

On page 19, line 797, immediately following “area”, add “AND DO NOT REQUIRE A PERMIT” to read as follows:

(4) ***Window Signs.*** Signs that are placed WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. Window signs shall NOT be considered part of the business’ overall allowed sign area AND DO NOT REQUIRE A PERMIT.

On page 21, line 886, immediately following “area”, add “AND DO NOT REQUIRE A PERMIT” to read as follows:

(4) ***Window Signs.*** Signs that are placed WITHIN TWO (2) FEET 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 AND DO NOT EXCEED A TOTAL OF FIFTY (50) SQUARE FEET. Window signs shall NOT be considered part of the business’ overall allowed sign area AND DO NOT REQUIRE A PERMIT.

Councilman Winkler made a motion to adopt Ordinance 04-13 as amended. Councilman Hale seconded the motion. In discussion before the vote, Councilman Winkler pointed out that the Town worked with the business community to make the ordinance business friendly. Councilman Hale received confirmation from Mr. Miller that the sign regulations information brochure will be updated. Councilman Ambrogio received clarification from Councilman Back that the Planning Commission recommended the maximum of 50 sq. ft. of window signage along with the 20% of glass limit because of the concern that a business would build a structure that was largely glass. Vote on the motion: passed by unanimous vote.

Unfinished Business

Council reports

Councilman Winkler reported that a special meeting of the Historic District Commission was held regarding the arson-damaged DeAngelis building owned by Mrs. Lawlor, and noted that the Historic Society wants the building saved.

Councilman Ambrogio reported that the Beautification Commission members would be decorating the Town Hall on Friday, December 17, and reminded all that the Christmas Decorations contest is scheduled for Monday, December 20, at 6:00 PM. He also reported on topics discussed at the Kent Avenue Revitalization Committee meeting held the previous week.

Councilman Hale reminded all that Breakfast with Santa would be held on Saturday, December 18. Councilman Hale also reported that the incorporation documents had been received for the Charles County Fire Museum. Mayor Eckman thanked Councilman Hale for all of the work he did on this project.

Mayor Eckman remarked that the Town signed a contract for design-build of the new Town Hall on December 23, 2003. Due to the building schedule, we were able to occupy the new Town Hall well in advance of the May, 2005 move-out date in our contract with Civista, which he stated would save Civista at least \$100,000.

Interpretation of Mc Phee Annexation Agreement

Mr. Miller referred to his memorandum to the Town Council, dated December 14, 2004, regarding Somerset Development’s question as to how the Town will calculate basements – will

they be considered part of the “finished living space” referred to in the annexation agreement, which limited the square footage on much of the dwellings in order to encourage affordable housing. Mr. Miller advised that Jorge Thompson, Town Inspector, recommends calculating finished living space from the ground up.

Following a brief discussion, it was agreed to hold this in abeyance until two concerns can be addressed: (1) Code requirements for windows in livable space; and (2) Sewer elevations - will there be future problems with sewer backups?

New Business

Diggs Circle contribution (Not present – postponed until January.)

Public Forum

Don McGuire advised that one of his department’s ambulances knocked the front end out of alignment when it hit a pothole at the intersection of Hawthorne Drive and Crain Highway at the CVS corner. In response to Mayor Eckman, Mr. Miller advised that the Town has been working with the State Highway Administration to correct the problem causing the pothole at that intersection. Mr. Miller pointed out that if it was just a pothole, it could be fixed, but noted the belief that there is an underground cause of the problem. He advised the Town would step up its efforts to have this remedied. Councilman Winkler stated he believed the Town should repair the pothole as drivers are veering left to avoid hitting it, and then making a right turn onto Crain Highway, which he believes could cause an accident.

Councilman Winkler thanked Mr. McGuire for helping to install the reindeer decorations on the Train Station roof.

In response to Councilman Hale, Councilman Winkler and Mr. McGuire advised that the tornado sirens were wired today.

Councilman Hale stated he believed that the pedestrian paddles have become a hindrance due to leaning, and recommended they be removed or a better way found to anchor them in the ground. Mr. Miller advised that the Town had been a test area for these paddles and that he would call the State Highway Administration to relay this concern. In response to Mayor Eckman’s question as to whether the police believe the paddles draw attention to people in the crosswalk, Sgt. Brooks advised that another pedestrian awareness survey would have to be conducted to obtain statistics. Mr. Boggs remarked that he has seen overhead flashing lights devices in other locales.

Rev. Miller noted that the reverse of the plaque presented to him this evening lists the names of the La Plata Police officers and their ranks, and recommended that the Town have an administrative officer with the rank of lieutenant.

In response to Joe Harrison’s question regarding the Town’s plans for moving the time capsule, Mr. Miller advised that the hospital’s development plans indicate the location of the

time capsule is a green area, so it is hoped it can stay in place. He further noted he would discuss this with the hospital.

Burkey Boggs announced his candidacy for the Ward IV Council seat.

There being no further business, Councilman Hale made a motion to adjourn at 7:42 PM. Councilman Ambrogio seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk