

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Work Session – 6:00 PM
Regular Meeting – 7:00 PM
April 11, 2006

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

Town staff: Joseph W. Norris, Town Treasurer

Pursuant to the requirement of Annotated Code of Maryland State Government Article Section 10-509(c)(2), these statements are included in these minutes:

▶ *A closed session of the Council of the Town of La Plata was held at 7:50 PM, Tuesday, March 21, 2006, in the La Plata Town Hall.*

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

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 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 Town Manager recruitment. Action taken: The Town Council agreed to schedule an interview with a potential candidate for the Town Manager position, to be held at 6:00 PM on either Thursday, March 23 or Monday, March 27. The meeting adjourned at 8:09 PM.

▶ *A closed session of the Council of the Town of La Plata was held at 6:01 PM, Monday, March 27, 2006, in the La Plata Town Hall.*

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

On a motion made by Councilman Winkler, 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. 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 7:03 PM.

▶ *A closed session of the Council of the Town of La Plata was held at 9:12 PM, Tuesday, March 28, 2006, in the La Plata Town Hall.*

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

On a motion made by Councilman Back, seconded by Councilman Winkler, 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 discuss Town Manager recruitment. Action taken: The Town Council directed Ms. Miner to call a specific Town Manager candidate to ask what he would require as to compensation and report his response to the Town Council, after which the Council may call the candidate back for a follow-up interview. The meeting adjourned at 9:26 PM.

► *A closed session of the Council of the Town of La Plata was held at 5:19 PM, Tuesday, April 4, 2006, in the La Plata Town Hall.*

Present: Mayor Ambrogio, Councilmen Winkler, Back, Mudd and Newman; Michelle D. Miner, Interim Town Manager; Judith T. Frazier, Town Clerk; Joseph W. Norris, Town Treasurer; 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: [Not discussed in closed session; discussed in open session.] Faison annexation agreement: [Not discussed in closed session; discussed in open session.] Town Manager recruitment: The Town Council discussed the points contained in a “Contract Outline” provided by a candidate for the Town Manager position and directed Ms. Miner to call the candidate to advise him of their responses to the points in that “Contract Outline.” The meeting adjourned at 6:21 PM.

► *A closed session of the Council of the Town of La Plata was held at 5:31 PM, Monday, April 10, 2006, in the La Plata Town Hall.*

Present: Mayor Ambrogio, Councilmen Winkler, Back, Mudd and Newman; Michelle D. Miner, Interim 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 6:38 PM

Minutes:

Work Session

Mayor Ambrogio called the meeting to order at 6:00 PM.

Budget Session

Mr. Norris advised that he had incorporated in the budget the changes that the Town Council directed be made at the last work session, noting that there is an amount of \$52,000 revenues over expenditures.

The Town Council agreed on the following items:

- Add a total of \$3,400 to the departments for fuel.
- Salary increase of 2½% rather than 5% for the two newest hires in the police department in order to maintain a salary difference between these two new employees and an officer with four or more years on the job.
- Two new police cars have been included in the budget. An additional car was added. Upon receiving clarification that the \$80,000 budgeted for one additional police officer also included a police car, which would bring the total of new police cars to four, agreed to keep the money in reserve for when the fourth car is needed and to authorize Chief Gittings to purchase three cars, but require Town Council authorization for the fourth car.
- Add \$10,000 to Town Manager for additional expenses related to a new Town Manager, such as moving expenses, etc.
- Host the June, 2007 Chamber Mixer - \$2,000.
- \$5,000 Council contingency fund.
- \$2,500 for part-time youth director/planning for next summer.
- \$2,500 for two Planning and Zoning employees to attend Smart Growth conference.

After the addition of these items, there is approximately \$25,000 left in General Fund. The next budget session will be at the April 18 work session.

There being no other discussion, Councilman Winkler moved to adjourn the work session at 6:54 PM. Councilwoman Mudd seconded the motion and it carried.

Regular Meeting

Mayor Ambrogio called the meeting to order at 7:03 PM and asked Mike Runfola to lead the Pledge of Allegiance.

Approval of March minutes

Councilwoman Mudd moved to approve the minutes of the March 2, 2006 work session, March 7, 2006 work session, March 8, 2006 special meeting, March 8, 2006 closed session, March 14, 2006 regular meeting, March 21, 2006 special meeting and work session, March 21, 2006 closed session, March 22, 2006 joint work session with Planning Commission, March 27, 2006 special meeting, March 27, 2006 closed session, March 28, 2006 special meeting and work session, March 28, 2006 closed session. Councilman Newman seconded the motion and it passed by unanimous vote.

Interim Town Manager

Mayor Ambrogio introduced Michelle Miner, Interim Town Manager, and praised her for doing a fine job.

Treasurer's Report

Mayor Ambrogio acknowledged receipt of the Treasurer's Reports dated February 28, 2006 and March 31, 2006.

Petitions, Communications, Appearances, and Public Forum

Proclamation – National Medical Laboratory Professionals Week

Councilwoman Mudd read a Proclamation declaring April 23-29, 2006 as National Medical Laboratory Professionals Week. Mayor Ambrogio accepted it on behalf of Civista staff.

Public Forum

Mike Runfola, 113 Morris Drive, thanked Mayor Ambrogio for his series of Chats with the Mayor at various locations in Town, and thanked Councilman Winkler for the informational mailings he sends to Ward 1 residents and the invitation he extends in the newsletter to respond to issues, which will direct how he votes. Mr. Runfola objected to the proposed reduction in time to address the Town Council from 10 to 3 minutes, which he termed unreasonable.

Wayne Winkler, 214 Washington Avenue, explained he was responsible for bringing up this proposal and noted he based it on procedures the Charles County Commissioners use.

Mr. Runfola indicated he believed the Town Council should allow the provision of 10 minutes to remain and only reduce it to 3 minutes when it is known that many people wish to speak.

Harlan Lang, 310 Caroline Drive, read from one of the Town's email records he obtained, which was regarding speaking limits, and expressed his opposition to the 3-minute time limit.

Public hearing

Constant Yield Tax Rate

Mayor Ambrogio opened the hearing. Mr. Norris advised that the notice of the hearing was properly advertised in the Maryland Independent.

Mayor Ambrogio asked if anyone wished to speak.

Jim Goldsmith, 805 Washington Avenue, noted the notice said \$235,000 revenue will be gained by not changing the tax rate. He further noted that the public should be told what the gain will be buying before the hearing.

There being no other speakers, Mayor Ambrogio closed the hearing at 7:22 PM.

Legislation

Ordinance 06-2 Public Garage/Maintenance-Equipment Yards as Permitted Uses in the L-I Light Industrial District (For Adoption) – 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.

Mayor Ambrogio read the purpose clause of Ordinance 06-2, and the amendment requested by Town Staff.

Councilman Winkler moved to adopt Amendment No. 1 to Ordinance 06-2. Councilman Back seconded the motion and it passed by unanimous vote. The amendment to Ordinance 06-2 is as follows:

Amendment No. 1

(At the request of Town Staff; 2/22/06.)

Intent: Require that the facilities are owned and operated by a government.

On page 1, line 7, immediately after “specifying that”, strike “the uses” and insert “any such facilities shall be owned and operated by a government; shall”;
and on line 9, immediately after “uses,”, insert “ownership of such facilities,”, to read as follows:

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~~ any such facilities shall be owned and operated by a government; shall 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, ownership of such facilities, and abutment to and access to arterial or collector street requirements.

On page 2, line 44, immediately after “PROVIDED THAT”, insert “ANY SUCH FACILITIES ARE OWNED AND OPERATED BY A GOVERNMENT; AND”, to read as follows:

(3) PUBLIC GARAGE/MAINTENANCE-EQUIPMENT YARDS, PROVIDED THAT ANY SUCH FACILITIES ARE OWNED AND OPERATED BY A GOVERNMENT; AND THE L-I DISTRICT WITHIN WHICH THE USE IS LOCATED ABUTS AN ARTERIAL OR COLLECTOR STREET, AND THAT THE USE HAS DIRECT ACCESS THROUGH THE L-I LIGHT INDUSTRIAL DISTRICT TO THAT ARTERIAL OR COLLECTOR STREET.

Councilman Back moved to adopt Ordinance 06-2 as amended. Councilman Newman seconded the motion. In discussion before the vote, Councilman Winkler explained that this ordinance will enable the Town to move the Public Works facility to a Light Industrial District zone. Vote on the motion: the motion passed by unanimous vote.

Ordinance 06-3 Restaurant Definitions (For Adoption) – 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.

Mayor Ambrogio read the purpose clause of Ordinance 06-3, and the amendment requested by Town Staff.

Councilman Newman moved to adopt Amendment No. 1 to Ordinance 06-3. Councilman Winkler seconded the motion. In discussion before the vote, Councilman Back explained that the amendment is merely “housekeeping” to renumber an item. Vote on the motion: the motion passed by unanimous vote. The amendment to Ordinance 06-3 is as follows:

Amendment No. 1

(At the request of Town Staff; 4/11/06.)

Intent: If Ordinance 06-2 is adopted (Public Garage/Maintenance-Equipment Yards as Permitted Uses in the L-I Light Industrial District), there will be a need to renumber an item in Ordinance 06-3: Item (3) should be renumbered to become item (4) in the list under § 191-25.3A., due to Ordinance 06-2 adding an item (3) in that list.

On page 2, line 42, immediately after “§ 191-25.3A.”, strike “(3)” and insert “(4)”, to read as follows:

BY adding to
Chapter 191 - Zoning
Article III. District Regulations
Section 191-25.3 L-I Light Industrial District
§ 191-25.3A.~~(3)~~(4)
Code of the Town of La Plata
(1998 Edition and Supplements)

On page 5, lines 186-187, immediately after “Section 191-25.3A.”, strike “(3)” and insert “(4)”, to read as follows:

SECTION 3: BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA that Section 191-25.3A. of the Code of the Town of La Plata (1998 Edition and Supplements) be and it is hereby repealed, without amendments, and that a new Section 191-25.3A.~~(3)~~(4) be added to the Code of the Town of La Plata (1998 Edition and Supplements), to read as follows:

On page 6, line 201, strike ~~(3)~~ to renumber it to be item (4) to read as follows:

~~(3)~~ (4) RESTAURANTS AND CARRY-OUT RESTAURANTS.

Councilman Back moved to adopt Ordinance 06-3 as amended. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Ordinance 06-4 Building Height (For Adoption) – 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 read the purpose clause of Ordinance 06-4.

Councilman Winkler moved to adopt Ordinance 06-4. Councilman Back seconded the motion. In discussion before the vote, Councilman Winkler explained that this is a “housekeeping” item to remove references to 2½ stories in favor of only stating the measurement as 35 feet. Vote on the motion: the motion passed by unanimous vote.

Ordinance 06-5 Property Exchange Agreement (For Adoption) – 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.

Mayor Ambrogio read the purpose clause of Ordinance 06-5.

Councilman Newman moved to adopt Ordinance 06-5. Councilman Winkler seconded the motion. In discussion before the vote, Councilman Winkler explained the history of the Town’s property and noted that the property exchange will allow the Town to expand our current wastewater plant. Vote on the motion: the motion passed by unanimous vote.

Ordinance 06-6 Manner of address – time limit (For Adoption) – 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.

Mayor Ambrogio read the purpose clause of Ordinance 06-6.

Councilman Winkler moved to adopt Ordinance 06-6. Councilman Newman seconded the motion. In discussion before the vote, a discussion was held regarding the Council's belief that this time limit was only for speakers at public hearings, not at public forum. Councilman Winkler withdrew his motion and Councilman Newman withdrew his second to the motion. The Council wishes to discuss time limits at a work session.

Ordinance 06-7 Town of La Plata FY2006-2007 Tax Rate (For Introduction) – For the purpose of adopting the Town of La Plata FY2006-2007 Tax Rate; and all matters generally relating thereto.

Mayor Ambrogio read the purpose clause of Ordinance 06-7.

Resolution 06-3 Amendment to authorization to execute documents in connection with the “EPA Appropriations Act Fiscal 2003, Town of La Plata, Maryland” Grant (For Adoption) – For the purpose of amending the name of the person authorized to execute documents on behalf of the Town of La Plata (“the Town”) in connection with the “EPA Appropriations Act Fiscal 2003, Town of La Plata, Maryland” Grant; and all matters relating to said amendment.

Mayor Ambrogio read the purpose clause of Resolution 06-3. Ms. Miner explained that EPA requested this action.

Councilman Winkler moved to adopt Resolution 06-3. Councilman Back seconded the motion and it passed by unanimous vote.

Unfinished Business (none)

New Business

Report and recommendation of Planning Commission regarding Traditional Neighborhood Development (TND) request by GP Homes, LLC on Parcels 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 26, and 27 of Heritage Green

Ms. Miner presented the report of the Planning Commission, dated April 11, 2006, and their recommendation that the Town Council approve the requested TND designation for Parcels 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 26, and 27 of Heritage Green. The Council will hold a public hearing on this request on May 9.

Commission Reports

Councilman Newman reported that the next Parks and Recreation Commission meeting is scheduled for April 12, and that they will be discussing the park near the fire museum and the skateboard park.

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

Councilman Winkler reported there have been no meetings of the La Plata Business Association since the last report. He further reported that the new owners of the De Angelis Building showed the Historic District Commission their plans, noting the building is to be used as a rental office building with parking in the rear of the building.

Councilwoman Mudd reported on topics discussed at the April 5 Design Review Board meeting. She further reported that the Kent Avenue Partnership had their Easter Egg Hunt event on April 8. Due to rain, there was a slight turnout. They plan to hold a clean-up day on May 6.

Budget amendment – Walnut Hill Road engineering study

Ms. Miner presented a request for a budget amendment in the amount of \$8,000 to \$10,000 for an engineering study of Walnut Hill Road to provide for sewer connection for this street, in order to continue with this project.

Councilwoman Mudd moved to amend the budget in the amount of \$10,000 for an engineering study of Walnut Hill Road, to continue this project. Councilman Back seconded the motion. In discussion before the vote, the Council received confirmation that this budget amendment is only for the engineering study and questioned how this project would be paid for. It was noted that the Town could recover the costs of the sewer connection by assessing front foot charges. Discussion was held regarding not amending the budget for an engineering study and meeting with the residents to determine if they would be willing to repay the costs by front foot assessments. It was noted that the engineering study is required in order to determine the cost of the project so the information may be provided to the Walnut Hill Road residents. Vote on the motion: the motion passed by unanimous vote.

Surplus radio equipment

Ms. Miner advised that a list has been prepared detailing the items and their serial numbers. Councilman Back suggested that Ms. Miner ask the Red Cross if they need every item of the surplus radio equipment, and suggested that any items they do not want be donated to agencies within the area of the Gulf Coast which were damaged by Hurricane Katrina. In response to a question as to the process to donate this surplus equipment, the Clerk advised the Town Attorney would be consulted.

There being no further business, Councilman Newman moved to adjourn at 8:09 PM. Councilman Winkler seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk