

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
April 24, 2007

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

Town Staff: Cassin B. Gittings, Chief, La Plata Police Department

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 6:07 PM, Tuesday, April 10, 2007, in the La Plata Town Hall.*

Present: Mayor Ambrogio, Councilmen Winkler, Back and Mudd; Joseph W. Norris, Acting Town Manager; Judith T. Frazier, Town Clerk

On a motion made by Mayor Ambrogio, 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; and 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 conduct performance evaluation of Town Treasurer/Acting Town Manager; discuss Town Manager recruitment; and discuss acquisition of property for Public Works Building. Action taken: Performance evaluation: Conducted evaluation, then reviewed same with the Town Treasurer/Acting Town Manager. Town Manager recruitment: The Town Council agreed to additional negotiating parameters. Acquisition of property: Agreed to have a structural inspection conducted. The meeting adjourned at 7:00 PM.

Minutes:

Mayor Ambrogio called the meeting to order at 7:00 PM and asked Donna Bair, Daphne Gray, Pat Albritten, Alex Tengco, Carole Hart, Martha Spero and Mark Sadecki (representatives from Civista) to lead the Pledge of Allegiance.

Approval of March minutes

Councilman Winkler moved to approve the minutes of the March 6 special meeting, March 6 closed session, March 13 special meeting, March 13 work session, March 20 work session, March 24 special meeting, March 24 closed session, and March 27 regular meeting. Councilman Back seconded the motion and it passed by unanimous vote.

Approval of April 10 special meeting minutes

Mayor Ambrogio moved to approve the minutes of the April 10 special meeting. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Treasurer's Report

Mayor Ambrogio acknowledged receipt of the Treasurer's report dated March 31, 2007.

Petitions, Communications, Appearances, and Public Forum

State of the Town report

Mayor Ambrogio read the State of the Town report. *[Attached to the original minutes.]*

Town Seal – Paula McCathran Winkler

Mayor Ambrogio read and presented a Town Seal to Paula McCathran Winkler, expressing the Town's appreciation of the years she served as a member and Chair of the Beautification Commission. Ms. Winkler expressed her appreciation to the members of the Beautification Commission and Town Council for making the Town a better place; and also thanked Town staff, including Steve Murphy, Jeff Garner and Public Works staff for planting trees and other work, Mr. Norris for establishing a budget for the Beautification Commission, Jaunita Burnette for her work as original staff support to the Commission, and Gayle Curry for her work as current staff support to the Commission.

Proclamation – National Medical Laboratory Professionals Week – April 22 – 28, 2007

Mayor Ambrogio read and presented the Proclamation to Civista representatives Donna Bair, Daphne Gray, Pat Albrittain, Alex Tengco, Carole Hart, Martha Spero and Mark Sadecki.

Public Forum

Tom Fenner, 308 Prince George's Street, expressed appreciation for the crosswalk at the condominium development behind the Town Hall. He noted that the paving was finalized on Prince George's Street and asked when the bollards would be installed. He also asked for a "Dead End Street" sign for Prince George's Street.

Mike Runfola, 115 Morris Drive, thanked Councilmen Winkler and Back for their service to the Town. He reported that trash and litter accumulate in his community, which he stated was generated mostly from the Food Lion area of the shopping center, and asked that the Town send a letter to the storeowners to clean the trash up which accumulates around their dumpsters. He also stated that the Town needs to provide recycling bins with lids to prevent litter from blowing around from the open bins. He also reported that the drainage pond at Community Bank overflowed recently and is a mosquito breeding problem.

Public Hearings

Constant Yield Tax Rate

Mayor Ambrogio called the hearing to order at 7:23 PM. Mr. Norris advised that the hearing notice had been properly advertised in the April 11, 2007 edition of the Maryland Independent, and that proof of advertising had been sent to the State.

Mayor Ambrogio asked if anyone wished to speak. (No one wished to speak.)

Mayor Ambrogio closed the hearing at 7:24 PM.

Ordinance 07-7 Town of La Plata FY2007-2008 Financial Plan/Budget – For the purpose of adopting the Town of La Plata FY2007-2008 Financial Plan/Budget; and all matters generally relating thereto.

Mayor Ambrogio called the hearing to order at 7:24 PM. The Clerk entered into the record the Certification of Publication of the notice of the hearing in the April 11, 2007 edition of the Maryland Independent.

Mayor Ambrogio asked if anyone wished to speak.

Jim Goldsmith, 805 Washington Avenue, asked for and received explanations regarding the \$500,000 contribution from developers and the increase in salaries in the sewer fund.

Mayor Ambrogio closed the hearing at 7:27 PM.

Ordinance 07-8 Fee Schedule – For the purpose of adopting the Fee Schedule, dealing with fees set by the Town of La Plata; and all matters generally relating thereto.

Mayor Ambrogio called the hearing to order at 7:27 PM. The Clerk entered into the record the Certification of Publication of the notice of the hearing in the April 11, 2007 edition of the Maryland Independent.

Mayor Ambrogio asked if anyone wished to speak. (No one wished to speak.)

Mayor Ambrogio closed the hearing at 7:28 PM.

Legislation

Ordinance 07-3 Board of Appeals – Notice of Hearings and Time Limitations (For Adoption) – For the purpose of altering the filing procedures and time required to set a hearing date for matters to come before the Town Board of Appeals; altering the length of time when certain decisions of the Board of Appeals shall lapse; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Mayor Ambrogio moved to adopt Ordinance 07-3. Councilman Newman seconded the motion and it passed by unanimous vote.

Ordinance 07-6 Town of La Plata FY2007-2008 Tax Rate (For consideration of adoption) – For the purpose of adopting the Town of La Plata FY2007-2008 Tax Rate; and all matters generally relating thereto.

Councilman Winkler moved to adopt Ordinance 07-6. Councilman Back seconded the motion.

Prior to voting on the motion, the Town Council agreed to allow a member of the audience to speak: Carlyle Lancaster, 1206 E. Patuxent Drive, advised he was concerned about taxes and asked what the increase was over last year's constant yield tax. Mr. Norris explained that the Town's tax rate will remain the same (\$0.32) but that increased assessments will produce a higher yield in revenue. Mr. Norris noted that the Town's tax rate has remained the same for a number of years.

Vote on the motion: the motion passed by unanimous vote.

Ordinance 07-7 Town of La Plata FY2007-2008 Financial Plan/Budget (For consideration of adoption) – For the purpose of adopting the Town of La Plata FY2007-2008 Financial Plan/Budget; and all matters generally relating thereto.

Mayor Ambrogio moved to adopt Amendment No. 1 to Ordinance 07-7, as requested by the Town Treasurer. Councilman Winkler seconded the motion and it passed by unanimous vote. Amendment No. 1 to Ordinance 07-7 is as follows:

Amendment No. 1

Intent: To change the title of Attachment 1 to Ordinance 07-7, to clarify and provide differentiation between the amended Attachment 1 from the Attachment 1 which was part of Ordinance 07-7 when it was introduced on March 27, 2007.

On page 1, line 11, immediately before "Town" insert AMENDED, to read as follows:

SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA THAT the Financial Plan for the Town of La Plata for fiscal year beginning 1 July 2007 and ending 30 June 2008, attached hereto as Attachment 1 and incorporated herein by reference, and entitled, "**AMENDED Town of La Plata FY2007-2008 Financial Plan/Budget**", and which reflects the FY06-07 budget amendments, is adopted and for all purposes shall be considered the FY2007-2008 Financial Plan/Budget for the Town of La Plata.

Mayor Ambrogio moved to adopt Ordinance 07-7 as amended. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Ordinance 07-8 Fee Schedule (For consideration of adoption) – For the purpose of adopting the Fee Schedule, dealing with fees set by the Town of La Plata; and all matters generally relating thereto.

Mayor Ambrogio moved to adopt the Amendments No. 1 through 4 to Ordinance 07-8, as requested by the Town Treasurer. Councilman Newman seconded the motion. Following discussion, the motion passed by unanimous vote. Amendments No. 1 through 4 to Ordinance 07-8 are as follows:

Amendment No. 1

Intent: To increase the amount of the Major Facilities Fee.

•On page 8, line 319, immediately after “area:”, strike “four thousand eight hundred and thirty dollars (\$4,830.)” and replace with SIX THOUSAND FIVE HUNDRED AND THIRTY DOLLARS (\$6,530.); and on line 321, immediately after “area:”, strike “five thousand eight hundred and twenty-five dollars (\$5,825.)” and replace with “SEVEN THOUSAND FIVE HUNDRED AND TWENTY-FIVE DOLLARS (\$7,525.)”;

and on lines 324-325, immediately after “dwellings:” on line 324, strike “six thousand eight hundred and twenty-five dollars (\$6,825.)” and replace with “EIGHT THOUSAND FIVE HUNDRED AND TWENTY-FIVE DOLLARS (\$8,525.)”, to read as follows:

B. Determination of fee.

(1) The charge per unit levied and to be paid with the issuance of all building or occupancy permits requiring larger or new connections to the Town of La Plata water and sanitary sewer systems shall be:

(a) Residential units:

[1] Multiple-family dwelling units:

[a] Dwelling units having not more than seven hundred square feet of total area: ~~four thousand eight hundred and thirty dollars (\$4,830.)~~ SIX THOUSAND FIVE HUNDRED AND THIRTY DOLLARS (\$6,530.) per dwelling unit.

[b] Dwelling units having more than seven hundred (700) square feet of total area: ~~five thousand eight hundred and twenty-five dollars (\$5,825.)~~ SEVEN THOUSAND FIVE HUNDRED AND TWENTY-FIVE DOLLARS (\$7,525.) per dwelling unit.

[2] Single family attached dwellings, single family detached dwellings, two-family dwellings and mobile home dwellings: ~~six thousand eight hundred and twenty-five dollars (\$6,825.)~~ EIGHT THOUSAND FIVE HUNDRED AND TWENTY-FIVE DOLLARS (\$8,525.) per dwelling unit.

•On page 9, line 354, immediately after “of”, strike “six thousand eight hundred and twenty-five dollars (\$6,825.)” and replace with “EIGHT THOUSAND FIVE HUNDRED AND TWENTY-FIVE DOLLARS (\$8,525.)”;

and on lines 355-356, immediately after “of” on line 355, strike “six thousand eight hundred and twenty-five dollars (\$6,825.)” and replace with “EIGHT THOUSAND FIVE HUNDRED AND TWENTY-FIVE DOLLARS (\$8,525.)”, to read as follows:

F. The major facilities fee for commercial, industrial, quasi-public or public facilities shall be determined by the Chief Executive Officer using units or fractions of units of estimated water consumption as the basis for that determination. Each unit is the equivalent of twenty thousand (20,000) gallons of estimated water consumption per quarter. The major facilities fee shall be imposed at the rate of ~~six thousand eight hundred and twenty-five dollars (\$6,825.)~~ EIGHT THOUSAND FIVE HUNDRED AND TWENTY-FIVE DOLLARS (\$8,525.) per unit. The amount of major facilities fee for fractional units shall be based upon a pro-rated amount of ~~six thousand eight hundred and twenty-five dollars (\$6,825.)~~ EIGHT THOUSAND FIVE HUNDRED AND TWENTY-FIVE DOLLARS (\$8,525.). The standards used for establishing estimated water consumption shall be established and approved by the Town Council.

Amendment No. 2

Intent: To increase the amount of the water service rate.

On page 16, line 637, immediately after “AND”, strike SIX and replace with TWENTY;
and on line 637, immediately after “(((\$2.)))”, strike (\$2.06) and replace with (\$2.20), to read as follows:

A. The water service rate for water use for all property having location within the corporate limits of the Town of La Plata shall be two dollars AND ~~SIX~~ TWENTY CENTS ~~(((\$2.)))~~ ~~(\$2.06)~~ (\$2.20) for each one thousand (1,000) gallons used.

Amendment No. 3

Intent: To increase the amount of the sanitary sewer rate.

On page 16, line 664, immediately after “consumption at” strike “five” and replace with SIX;
on line 665, immediately after “((seventy-two))” strike NINETY and replace with TWENTY-NINE;
and on line 665, immediately after “(((\$5.72)))” strike “(\$5.09)” and replace with (\$6.29), to read as follows:

A. The sanitary sewer rate shall be computed based on the water consumption at ~~five~~ SIX dollars and ~~((seventy-two))~~ NINETY TWENTY-NINE cents ~~(((\$5.72)))~~ ~~(\$5.90)~~ (\$6.29) for each one thousand (1,000) gallons used. However, the rate for Town residents who are connected to the Town sewer system only will be computed based on the Equivalency Dwelling Unit (EDU) method that is used to calculate Major Facility Fees. One EDU is estimated to use 20,000 gallons of water per quarter.

Amendment No. 4

Intent: To increase the amount of the refuse collection fees.

•On page 17, line 695, immediately after “Curbside:”, strike “Fifty-((seven)) NINE dollars ((and thirty cents (\$57.30))) (\$59.)” and replace with “(((Fifty-seven)) SIXTY-THREE dollars and ((thirty)) THREE cents (((\$57.30))) (\$63.03))”;
and on lines 697-698, immediately after “side:” on line 697, strike “Eighty-THREE dollars and ((ninety)) THIRTY-FIVE cents (((\$80.90))) (\$83.35)” and replace with “Eighty-NINE dollars ((and ninety cents (\$80.90))) (\$89.)”;
and on line 700, immediately after “at”, strike “fifty-((seven)) NINE dollars ((and thirty cents (\$57.30))) (\$59.)” and replace with “(((fifty-seven)) SIXTY-THREE dollars and ((thirty)) THREE cents (((\$57.30))) (\$63.03))”, to read as follows:

A. Residential: single-family, duplex, triplex and four-unit apartments:

(1) Curbside: ~~Fifty-((seven)) NINE dollars ((and thirty cents (\$57.30))) (\$59.)~~ (((Fifty-seven)) SIXTY-THREE dollars and ((thirty)) THREE cents (((\$57.30))) (\$63.03) per unit (once a week collection).

(2) House side: ~~Eighty-THREE dollars and ((ninety)) THIRTY-FIVE cents (((\$80.90))) (\$83.35)~~ Eighty-NINE dollars ((and ninety cents (\$80.90))) (\$89.) per unit (once a week collection).

(3) Individuals over age sixty-four (64) or physically impaired may receive house side collection at ~~fifty-((seven)) NINE dollars ((and thirty cents (\$57.30))) (\$59.)~~ (((fifty-seven)) SIXTY-THREE dollars and ((thirty)) THREE cents (((\$57.30))) (\$63.03) upon request to and approval of the Town Council.

•On page 18, lines 715 through 719, strike “I-A” on line 715 down through and including “152.00” on line 719, and replace with:

<u>I-A</u>	\$ 63.03				
<u>I-B</u>	103.90				
<u>II</u>	58.45	\$129.85	\$199.75	\$265.90	\$324.55
<u>III-A</u>	83.20	119.45			
<u>III-B</u>	102.60	162.30			

to read as follows:

B. Commercial:

(1) Base rates (quarterly basis):

<u>GROUP</u>	<u>1 X/WK.</u>	<u>2 X/WK.</u>	<u>3 X/WK.</u>	<u>4 X/WK.</u>	<u>5 X/WK.</u>
((I-A	\$ 57.30				
I-B	94.45				
II	53.15	\$118.05	\$181.60	\$241.75	\$295.05
III-A	75.65	108.60			
III-B	93.25	147.55))			
I-A	\$ 59.00				
I-B	97.30				
II	54.75	\$121.60	\$187.05	\$249.00	\$303.90
III-A	77.90	111.85			
III-B	96.05	152.00			
<u>I-A</u>	<u>\$ 63.03</u>				
<u>I-B</u>	<u>103.90</u>				
<u>II</u>	<u>58.45</u>	<u>\$129.85</u>	<u>\$199.75</u>	<u>\$265.90</u>	<u>\$324.55</u>
<u>III-A</u>	<u>83.20</u>	<u>119.45</u>			
<u>III-B</u>	<u>102.60</u>	<u>162.30</u>			

•On page 19, lines 758-759, strike “Seventy-((seven) NINE dollars and ((thirty)) SIXTY-five cents ((((\$77.35))) (\$79.65)” and replace with “((Seventy-seven)) EIGHTY-FIVE dollars and ((thirty-five)) TEN cents ((((\$77.35))) (\$85.10)”, to read as follows:

E. Outside corporate limits:

(1) Residential curbside: ~~Seventy-((seven) NINE dollars and ((thirty)) SIXTY-five cents ((((\$77.35))) (\$79.65)~~ ((Seventy-seven)) EIGHTY-FIVE dollars and ((thirty-five)) TEN cents ((((\$77.35))) (\$85.10) per quarter. This service is subject to Town Council approval.

Mayor Ambrogio moved to adopt Ordinance 07-8 as amended. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Unfinished Business (none)

New Business

Budget amendment: radio read/ground water meters

Mayor Ambrogio moved to amend the FY 2007 Water Fund Budget in the New Meter Installation Account, in the amount of \$104,000, for the purchase and installation of radio read/ground water meters, with the money coming from Retained Earnings. Councilman Newman seconded the motion. Following discussion, the motion passed by unanimous vote.

Award bid for Kent Avenue Water Line Improvement

Mr. Norris advised that the engineer reviewed the bids and that staff recommends awarding the bid to Darbie & Sons Excavating, Inc., in the amount of \$95,358.

Mayor Ambrogio moved to award the bid for the Kent Avenue Water Line Improvement project to Darbie & Sons Excavating, Inc., in the amount of \$95,358. Councilman Newman seconded the motion and it passed by unanimous vote.

Commission Reports

Councilman Winkler reported that the next meeting of the La Plata Business Association is May 24.

Councilwoman Mudd reported that the Design Review Board approved the Texas Roadhouse plans, and reported that the clean-up day held in the Kent Avenue corridor was a success. Councilwoman Mudd noted that the group is active and working towards obtaining a community center within walking distance of the community, and will meet June 17 to plan for National Night Out on the first Tuesday in August.

Mayor Ambrogio reported that the Town Hall landscaping was recently completed, and again expressed appreciation to Paula Winkler for her service on the Beautification Commission.

Councilman Back reported on topics discussed at the Planning Commission's April 3 meeting. Councilman Back remarked that he announced with personal sadness that he will be attending his last Planning Commission meeting in May. In closing, Councilman Back said that his thoughts and prayers are with alumni and families and friends of those at Virginia Tech.

On behalf of the Town Council, Mayor Ambrogio thanked Councilman Winkler and Councilman Back for their service to the Town. Mayor Ambrogio read and presented a Certificate of Appreciation from the Maryland Municipal League to Councilman Winkler for his service on the 2007 Communications Committee. Mayor Ambrogio read and presented framed Town of La Plata Seals and engraved clock/pen desk sets to Councilman Winkler and Councilman Back in appreciation of their years of dedicated service to the Town. Councilman Winkler served from January 2002 to May 2007 as Ward I Councilman and as Chairman of the La Plata Historic District Commission. Councilman Back served from December 2004 to May 2007 as Ward II Councilman, and from July 1999 to May 2007 as a member and as Chairman of the La Plata Planning Commission.

Councilman Winkler said he had enjoyed being on the Town Council and expressed his appreciation to all of the Town staff for their support. Councilman Winkler advised that he will stay active on the La Plata Business Association and will attend Town Council meetings. Councilman Winkler acknowledged the presence in the audience of his mother, Frances Winkler, who served on the Town's Planning Commission and Town Council, his brother, B. R. Winkler, Jr., who serves on the Town's Board of Appeals, his sister, Mary Beth Chandler, and his wife, Paula, whom he thanked for her service on the Town's Beautification Commission and for supporting him during his tenure on the Town Council.

Councilman Back expressed his appreciation to Town staff and all who have helped him over the past seven and a half years of his service on the Planning Commission and on the Town Council, and thanked his family for their encouragement and support.

Mayor Ambrogio announced the events planned for Celebrate La Plata, which will be held on April 28, and announced that the Town's General Election will be conducted on Tuesday, May 1, 2007, from 12 noon until 8:00 PM.

There being no further business, Mayor Ambrogio moved to adjourn at 8:05 PM. Councilman Winkler seconded the motion and it passed by unanimous vote.

Submitted by:

Judith T. Frazier
Town Clerk