

Council of the Town of La Plata  
Town Hall, La Plata, Maryland  
Regular Meeting – 7:00 PM  
November 8, 2005

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

Town staff: Patricia L. Bembe, Assistant Town Manager; Cassin B. Gittings, Chief, and Lt. Wayne Wathen, La Plata Police Department; Joseph W. Norris, Town Treasurer; Cathy Flerlage, Director of Planning and Zoning

*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 9:09 PM, Tuesday, October 25, 2005, in the La Plata Town Hall.*

*Present: Mayor Ambrogio, Councilmen Winkler, Back, Mudd and Newman; Douglas R. Miller, Town Manager; Patricia L. Bembe, Assistant Town Manager; Judith T. Frazier, Town Clerk; Joseph W. Norris, Town Treasurer; Frederick C. Sussman, Town Attorney.*

*On a motion made by Councilman Back, 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)(7) – Consult with counsel to obtain legal advice. The purpose of the meeting was to consult with counsel to obtain legal advice regarding (1) Requiring identification to vote in Town elections and (2) Acquisition of property. Action taken: (1) Requiring identification for voting in Town elections - The Council agreed that the Town Attorney should respond to the letter from the American Civil Liberties Union of Maryland, that the Town takes seriously the question raised regarding the voter identification requirement in Section 17-15 of the Town Code, and will include it in their review of other election issues prior to the 2007 election. (2) Acquisition of property: Future parking lot expansion property: The Council agreed on a maximum amount which they directed the Town Treasurer to offer to the property owner unless the owner can provide information to the Town as to why she believes the property is worth a higher figure. Road widening property: The Town Manager will obtain a more current appraisal on the property and will advise the Council at the next work session regarding the response of the attorney for the property owner. The meeting adjourned at 8:32 PM.*

Minutes:

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

#### Approval of October minutes

Councilman Winkler made a motion to approve the minutes of the October 4, 2005 work session, October 11, 2005 regular meeting, October 18, 2005 work session, October 25, 2005 work

session, and October 25, 2005 closed 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 September 30, 2005.

### Petitions, Communications and Appearances

#### Presentation of Maryland Chiefs Challenge Award

Barbara Beckett, Executive Director for the Maryland Committee for Safety Belt Use and State Coalition Coordinator for Safe Kids Maryland, and Meg Miller, Occupant Protection Coordinator for the Maryland Highway Safety Office, presented the award to Chief Gittings, Lt. Wathen and Mayor Ambrogio, in recognition of the La Plata Police Department's participation in increasing safety belt use.

### Legislation

Ordinance 05-17 Traditional Neighborhood Development – Garage Parking Spaces (For Introduction) - For the purpose of providing that garage parking spaces, under certain circumstances, are credited toward off-street parking requirements within the Traditional Neighborhood Development (TND) floating zone within the Mixed Use District; specifying criteria and regulations for garage parking spaces within the TND; and all matters generally relating thereto.

Mr. Miller briefly explained the purpose of Ordinance 05-17, noting that it is the subject of a public hearing later during the meeting and that, depending on a discussion with the Town Attorney, the Town may strike the "waiver" section included in the amendments.

Ordinance 05-18 Election Ward Boundaries Map Update (For Introduction) – For the purpose of updating the Election Ward Boundaries Map to include within a councilmanic ward the property annexed into the Town known as the "Grasso Annexation – 31.5 Acres"; and matters generally relating to the updating of the Election Ward Boundaries Map.

Mr. Miller briefly explained the purpose of Ordinance 05-18.

Resolution 05-12 Town of La Plata Investment Policy (For Adoption) – For the purpose of adopting the Town of La Plata Investment Policy by amending the Town of La Plata Investment Policy as originally adopted by Resolution 95-4 on September 26, 1995, and as amended by Resolution 96-1 on January 23, 1996; and all matters generally relating thereto.

Councilman Winkler made a motion to adopt Resolution 05-12. Councilman Back seconded the motion. In discussion before the vote, Councilman Winkler received clarification from Mr. Norris that the current investment policy is being readopted with minor changes. Vote on the motion: the motion passed by unanimous vote.

Public hearings

Traditional Neighborhood Development (TND) designation request by GP Homes, LLC on Parcels 17, 18, 20, 21, 22, 23, 24 and 25 of Heritage Green

Mayor Ambrogio called the hearing to order and explained the purpose of the hearing. Mr. Miller entered into the record the Certification of Publication of the hearing notice in the October 19, 2005 edition of the Maryland Independent.

Charis Lapas, of GP Homes, David Cooksey, of Loiederman Soltesz, and Pat Faux, of the Faux Group, Inc., provided a PowerPoint presentation (and "Presentation Outline" hand-out) and described how their request for TND has met the criteria for granting that designation.

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

Michael J. Runfola, 113 Morris Drive, asked questions regarding the requirement to complete the golf course before issuing residential building permits, how the annexation agreement was amended in 2005, and if the annexation approval was based on water availability in the 1980s or updated since the 1990 annexation. He was advised that the golf course and two lanes of Heritage Green Parkway will be completed, that the MUD master plan was amended in 2005 (not the annexation agreement), and that the Town used 1980s water availability assumptions. It was further noted that the developer will have to obtain a permit from the State of Maryland to drill into a deep aquifer.

William A. Frazier, 29 Willow Lane, spoke about plans for the railroad crossing and the spur that has been added for hauling and exporting more gravel. Mr. Frazier asked the Town to include in the Town Code that residential sprinklers be required in single family detached dwellings in addition to the requirement to provide them in single family attached dwellings. Explaining that they wish to assure there is no conflict with the microwave path associated with the new radio system, Mr. Frazier suggested that part of the regular process include the developer providing the following information to the Department of Emergency Services for evaluation of any potential conflicts: the longitude and latitude and finished grade elevation, and the height of any structures above the finished grade elevation. Mr. Frazier also noted that during the Planning Commission's hearing held October 4, Chairman Echols remarked upon his testimony at that hearing, noting that it should be remembered that the La Plata Volunteer Fire Department is located on the opposite side of the railroad tracks and that he (Chairman Echols) will be looking for the developer to demonstrate a continuance of effort to obtain the crossing; even though the Code does not currently require residential sprinklers in single family detached dwellings, when a development achieves this density and closeness of structures, the architect is responsible for designing safe buildings; and determining there is no conflict with a microwave path should be considered due to the higher topography of this property. Mr. Frazier asked the Town Council to be guided by Chairman Echols' remarks, and noted that the developer has more work to do for this project.

A brief discussion ensued regarding the need to require residential sprinklers in single family detached dwellings, density and development flexibility in a TND, school seats allocation, sewer

upgrades and other amenities to be provided by this development, and utilization of “best management practices” to prevent fertilizers from the golf course running off into the Clarks Run stream.

There being no other speakers and no further discussion by the Town Council, Mayor Ambrogio closed the hearing at 8:00 PM.

Ordinance 05-17 Traditional Neighborhood Development – Garage Parking Spaces - For the purpose of providing that garage parking spaces, under certain circumstances, are credited toward off-street parking requirements within the Traditional Neighborhood Development (TND) floating zone within the Mixed Use District; specifying criteria and regulations for garage parking spaces within the TND; and all matters generally relating thereto.

Mayor Ambrogio called the hearing to order and explained the purpose of the hearing. Mr. Miller entered into the record the Certification of Publication of the hearing notice in the October 19, 2005 edition of the Maryland Independent.

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

Zakary A. Krebeck, who gave his residence address as 306 Alder Court and business address as 102 Centennial Street, advised he was representing Somerset-Stagecoach, provided a written statement and spoke in support of the amendment put forth by Town Staff. Mr. Krebeck expressed concern that the provision for a minimum 10’ apron would promote encroachments into the alley and recommended that it be amended to provide for a 6’ to 8’ apron width.

Ken Crouse, of Lorenzi, Dodds and Gunnill, Inc., 3475 Leonardtown Road, representing Lenhart-Steeplechase, spoke in support of the amendment and provided a drawing which provided examples of development where garage parking is allowed/not allowed to be credited towards off-street parking requirements.

Mr. Miller noted that this topic would be discussed at a future work session. It was agreed that the Town Council and Planning Commission would hold a joint work session on this topic.

There being no other speakers and no further discussion by the Town Council, Mayor Ambrogio closed the hearing at 8:20 PM.

#### Unfinished Business

Councilman Back read a letter of thanks from the Mayor of Biloxi, Mississippi, for the three police cars the Town donated.

#### New Business

Subsidiary documents to Resolution 05-12 Town of La Plata Investment Policy: Delegation of Duties and List of Approved Banks

Mr. Miller provided a brief explanation of the two documents.

Councilman Winkler made a motion to approve the Delegation of Duties document and List of Approved Banks document. Councilman Newman seconded the motion and it passed by unanimous vote.

### Commission Reports

Councilman Newman provided an update on Parks and Recreation Commission topics.

Councilman Back reported on topics discussed at the Planning Commission meeting held November 1.

Councilwoman Mudd reported that the Beautification Commission would make a walk-through of La Grange Avenue and present recommendations for landscape changes to the Town Council, and provided an update on the clock, benches and trash cans.

Councilman Winkler reported that the La Plata Business Association would meet on November 10. Councilman Winkler reported that he has attended meetings that the Maryland Department of Planning and the Maryland Department of Environment have been having with the County Commissioners regarding water and green space concerns.

### Public Forum

Michael J. Runfola, 113 Morris Drive, stated his opinion that most of the road repairs needed on Heritage Green Parkway are due to illegal use by sand and gravel trucks and asked if their companies could be cited for the cost of the repairs. Mr. Runfola asked that the Town stripe into three lanes the end of Drury Drive (leaving WalMart) onto Heritage Green Parkway to provide for a right turn only, left turn and straight only, and a lane to into from Heritage Green Parkway. He also remarked that the current recycling bins create a great deal of litter in his neighborhood and suggested that they be fitted with lids. Mr. Runfola reported he attended a work session of the County Commissioners and that Commissioner Smith made a comment that there is a need to figure out when we've "maxed out" in the county. Mr. Runfola expressed his opinion that all development should be stopped until answers are obtained regarding the water supply issue.

Councilman Winkler and Mr. Miller briefly remarked that the Town is trying to work on a regional (tri-county) approach to the water supply issue.

Mr. Miller advised that Heritage Green Parkway paving would be done within the next two weeks, that the Town is measuring Drury Drive to see if three lanes can be striped as suggested, and that the first recycling bins had lids but they tore apart within the first few months of being in service.

Mr. Runfola offered words of praise for the Town's public works/refuse pickup department: "we have one of the best."

Mr. Krebeck expressed his appreciation for the paving overlay program in Clarks Run Subdivision this year.

There being no further business, Councilman Winkler made a motion to adjourn at 8:38 PM. Councilwoman Mudd seconded the motion and it carried.

Submitted by:

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Judith T. Frazier  
Town Clerk