

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
February 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; Joseph W. Norris, Town Treasurer

Minutes:

Mayor Ambrogio called the meeting to order at 7:00 PM and asked Tyler Cox and Graham Weston, Boy Scouts with Troop 1709, White Plains, to lead the Pledge of Allegiance.

Approval of January minutes

Councilman Winkler moved to approve the minutes of the January 3, 2006 work session, January 10, 2006 regular meeting, January 17, 2006 work session, January 24, 2006 joint work session with County Commissioners, and January 24, 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 December 31, 2005.

Petitions, Communications and Appearances

Dick Myers, Special Assistant to Senator Mikulski

Mr. Myers noted that he was appointed Special Assistant to Senator Mikulski a month ago, and is responsible for the Southern Maryland area.

Public hearing

Ordinance 06-1 – Town of La Plata Infrastructure Bonds, 2006 Series A – For the purpose of providing for the issuance and sale of an aggregate principal amount not to exceed Four Million One Hundred Thousand Dollars (\$4,100,000) of bonds of the Town of La Plata, Maryland, to be known as “The Town of La Plata, Maryland Infrastructure Bonds, 2006 Series A”, to be issued and sold pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, for the purpose of providing all or a portion of the funds necessary for the purpose of the following projects: Washington Avenue Sidewalks, St. Mary's Avenue Streetscape, Well Number Eleven, Pugh Property Purchase, refunding its outstanding Infrastructure Bonds, 1996 Series A and paying the costs of issuing the bonds (as hereinafter defined); providing that the bonds shall be issued upon the full faith and credit of the Town of La Plata, Maryland; providing for the disbursement of the proceeds of the sale of the bonds and for the levy of annual taxes upon all assessable property within the Town of La Plata for the payment of the principal of and interest on the bonds as they shall respectively mature; providing for the form, tenor, denomination, maturity date and other provision of the bonds; providing for the sale of the bonds;

providing that this Ordinance shall be an Emergency Ordinance, effective from the date of its passage; and providing for related purposes, including the method of fixing the interest rate to be borne by the bonds.

Mr. Miller briefly explained the purpose of Ordinance 06-1.

Mayor Ambrogio called the hearing to order. Mr. Miller entered into the record the Certification of Publication of the notice of the hearing in the January 20, 2006 edition of the Maryland Independent.

Mayor Ambrogio asked if anyone in the audience wished to speak. No one wished to speak.

There being no speakers and no further discussion by the Town Council, Mayor Ambrogio closed the hearing at 7:06 PM.

Mr. Miller and Mr. Norris provided clarification for the Town Council that the 1996 debt was for Well 10 and Centennial Street, that this bond enables the Town to refinance that debt at a better rate, and that this bond will enable the Town to borrow up to \$4.1 million. It was noted that if a developer pays for Well 11, the tax free portion could be in jeopardy; however, the money could be reimbursed to the Town by developers after the Town pays for the well.

Legislation

Ordinance 06-1 – Town of La Plata Infrastructure Bonds, 2006 Series A (For Adoption) – For the purpose of providing for the issuance and sale of an aggregate principal amount not to exceed Four Million One Hundred Thousand Dollars (\$4,100,000) of bonds of the Town of La Plata, Maryland, to be known as “The Town of La Plata, Maryland Infrastructure Bonds, 2006 Series A”, to be issued and sold pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, for the purpose of providing all or a portion of the funds necessary for the purpose of the following projects: Washington Avenue Sidewalks, St. Mary’s Avenue Streetscape, Well Number Eleven, Pugh Property Purchase, refunding its outstanding Infrastructure Bonds, 1996 Series A and paying the costs of issuing the bonds (as hereinafter defined); providing that the bonds shall be issued upon the full faith and credit of the Town of La Plata, Maryland; providing for the disbursement of the proceeds of the sale of the bonds and for the levy of annual taxes upon all assessable property within the Town of La Plata for the payment of the principal of and interest on the bonds as they shall respectively mature; providing for the form, tenor, denomination, maturity date and other provision of the bonds; providing for the sale of the bonds; providing that this Ordinance shall be an Emergency Ordinance, effective from the date of its passage; and providing for related purposes, including the method of fixing the interest rate to be borne by the bonds.

At the request of Mayor Ambrogio, the Clerk explained the provisions of Town Charter § C6-4.

Mayor Ambrogio asked for a motion to suspend the provisions of Town Charter § C6-4 Ordinances to adopt Ordinance 06-1 as an emergency ordinance.

Councilman Back moved to suspend normal procedures and enact this as an emergency ordinance. Councilman Winkler seconded the motion and it passed by unanimous vote.

Mayor Ambrogio asked for a motion to adopt Emergency Ordinance 06-1.

Councilman Winkler moved to adopt Emergency Ordinance 06-1. Councilman Newman seconded the motion and it passed by unanimous vote.

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

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

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

Ms. Flerlage briefly explained the purpose of Ordinance 06-3. Mr. Miller noted that, as an example, a McDonald’s without a drive-through could put in a storefront in the downtown. Councilman Back noted that this ordinance changes the definitions of “Restaurant” but does not change the requirement for a special exception for a fast food restaurant.

Ordinance 06-4 Building Height (For Introduction) – 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.

Mr. Miller briefly explained the purpose of Ordinance 06-4.

Mayor Ambrogio announced that hearings on Ordinances 06-2, 06-3 and 06-4 are scheduled for March 7 before the Planning Commission and on March 14 before the Town Council.

Unfinished Business (None)

New Business

Concurrence of bid for water storage tank - Mr. Miller advised that Maryland Environmental Service is not yet ready to award the bid and asked that the Town Council delay acting on this item.

Appropriation of funding, Town Manager search/hire

Mayor Ambrogio explained that the Town Council needs to fund the search/hire of a Town Manager and noted that information has been received from one company and that the Town is waiting for more companies to provide information. The Council discussed the need for increasing the “spend up to” amount and need for more companies to submit bids. Mr. Norris agreed that the amount should be increased and pointed out that no money would be spent without the permission of the Town Council. The Council agreed to have Ms. Miner prepare a bid request to obtain bids from more companies, and to increase the appropriation to an amount up to \$22,000.

Councilman Back moved to approve an appropriation of up to \$22,000 for the process of searching for and hiring a Town Manager. Councilman Newman seconded the motion and it passed by unanimous vote.

Commission Reports

Councilman Winkler reported that the La Plata Business Association would be meeting this Thursday. He also reported that the Historic District Commission would be meeting this Thursday regarding the DeAngelis Building.

Councilman Newman reported that the Parks and Recreation Commission met with the contractor for the memorial garden near the fire museum.

Councilman Back reported on topics discussed at the February 7 Planning Commission meeting, during which they asked to schedule a joint work session with the Town Council on Wednesday, March 15. The Town Council members wish to conduct a joint work session but will be attending a Southern Maryland Municipal Association meeting on that date. The Planning Commission will be advised of the conflict on that date and asked to suggest another date.

Mayor Ambrogio reported he was visiting local schools regarding the “If I Were Mayor” contest sponsored by the Maryland Municipal League.

Motion for Closed Session

Councilman Back moved to conduct a closed session immediately following the work session scheduled at 6:00 p.m., on Tuesday, February 21, 2006, pursuant to *Annotated Code of Maryland* Sections 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 10-508(a)(8) – Consult with staff, consultants, or other individuals about pending or potential litigation. Councilman Winkler seconded the motion. Roll call

vote: Mayor Ambrogio and Councilmen Winkler, Back, and Mudd voted aye; Councilman Newman voted nay. Motion carried by majority vote.

Public Forum

Harlan Lang, 310 Caroline Drive, stated that the Civista expansion will create a shortage of 150 parking spaces because they did not build the parking garage. He also stated there will be a parking problem at the Green Turtle. Mr. Lang also spoke about the issue of truck parking at Casey Jones. Councilman Winkler advised he would discuss this issue with the Town Manager.

At the request of Mayor Ambrogio, Ms. Flerlage addressed the parking issues at Civista and the Green Turtle, noting that both sites meet Town Code requirements regarding number of parking spaces required. Councilwoman Mudd stated that there will be 150 parking spaces in addition to current spaces when construction is complete at Civista. Ms. Flerlage advised that the provided parking spaces would be counted prior to occupancy permits being issued.

Councilman Winkler asked the Town Council to discuss “big box” stores at a future work session, noting he was concerned that one would be built in the Town’s downtown district at some future point. Councilman Winkler advised he obtained a copy of Calvert County’s regulations on “big box” stores.

Mr. Miller provided an update on the progress on the new police station, noting the projected move-in day is March 13 and that the meeting room will be ready in the next fiscal year.

Mr. Miller advised that the renovation work at Wills Memorial Park community building is complete.

Paula Winkler advised that the water ponding problem is back at the CVS corner at Hawthorne Drive and Crain Highway. Mr. Miller noted that there is a problem with the storm water management device. Councilman Winkler asked if installing a drain and sump pump would be useful. Mr. Miller noted that this is a gravel bioretention facility and that it was possible that a sump pump may be able to be used there. Councilman Winkler also asked that the storm water pond at Jamestowne be included for repair.

There being no further business, Councilman Winkler moved to adjourn at 7:58 PM. Councilman Back seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk