

Council of the Town of La Plata
La Plata Town Hall
Tuesday, April 26, 2011, 7:00 p.m.
Business Meeting

Present: Councilman R. Wayne Winkler, Councilman C. Keith Back, Councilwoman Paretta D. Mudd, Councilman Joseph W. Norris; Daniel J. Mears, Town Manager; Danielle Mandley, Town Clerk

Town Staff: Cassin B. Gittings, Chief, La Plata Police Department; David M. Jenkins, Director of Planning and Community Development;

Guests: Matt Gilroy, Deputy Chief La Plata Volunteer Fire Department

Minutes:

In the absence of Mayor Hale, Mayor Pro-Tem Winkler called the meeting to order at 7:00 PM, and then led the Pledge of Allegiance, then requested those present to silence cell phones.

Approval of March minutes

Councilman Norris moved to approve the minutes of the March 8 work session, March 15 work session, and March 22 business meeting. Councilman Back seconded the motion and it passed by unanimous vote.

Treasurer Report [Not available]

Petitions, Communications, Appearances and Public Forum

1. Public Forum

Tom Fenner, 308 Prince Georges Street, regarding bollards between Edelen Station and Prince Georges Street, a study of disconnects within town, traffic study for Prince Georges Street, and a request for a report on the traffic study done by the LPPD. Mr. Mears responded with an apology for not providing the information.

2. La Plata Police Department (LPPD) monthly report – Chief Gittings

Chief Gittings reported on the department's activities during the month of March 2011.

Chief Gittings also reported on Officer Cunningham completing the supervisors training, the LPPD open house, scheduled during Celebrate La Plata, and the siren testing, scheduled for May 7 at 10:00 AM.

3. La Plata Volunteer Fire Department monthly report

Deputy Chief Gilroy reported on the La Plata Volunteer Fire Department activities of March 2011.

Deputy Chief Gilroy requested to discuss the Town's policy for issuance of Burn Permit's and temporary banners in regards to non-profit organizations.

4. Presentation: Town of La Plata Events – Marcia Keeth, Special Events Coordinator

Ms. Keeth provided a presentation to demonstrate how to locate information regarding the many upcoming Town Events and the 2011 Event Schedule, by navigating through the Town's web site.

5. Proclamation: Service Recognition, La Plata Volunteer Fire Department [*Persons to be recognized not available.*]

6. Proclamation: Public Service Recognition Week, May 1 through 7, 2011

The Proclamation was read to recognized Public Service workers.

7. Proclamation: Municipal Clerks Week, May 1 through 7, 2011

The Proclamation was read to recognize Municipal Clerks nationally and locally.

► Legislation

► Legislation

Ordinance No. 11-4 Farmers Market (for introduction) - for the purpose of amending the Code of the Town of La Plata to eliminate reference to the Farmers Market Commission; making other revisions relating to the administration and operation of the Farmers Market in the Town of La Plata; and all matters generally relating thereto.

Mr. Mears provided a summary of the proposed changes included in Ordinance No. 11-4, that include the removal of the Farmers Market Commission and to update for reference to requirements of the Charles County Health Department and State Code.

Ordinance No. 11-5 Town of La Plata FY2011-2012 Tax Rate (for introduction) – for the purpose of adopting the Town of La Plata FY2011-2012 Tax Rate; and all matters generally relating thereto.

Mr. Mears offered to provide information regarding Ordinance No. 11-5 Town of La Plata FY2011-2012 Tax Rate during the public hearing.

Resolution No. 11-3 Authorization for Town Manager to Enter into a Contract for the Acquisition of new Automated Trash Collection System (for introduction and consideration of adoption) - the purpose of authorizing the Town Manager to execute and

deliver, on behalf of the Town of La Plata, a contract for the acquisition of a new Automated Trash Collection (ATC) system.

Mr. Mears provided information regarding the Acquisition of a new Automated Trash Collection System, and what the new system would provide for Town residents.

Councilman Back moved to approve Resolution No. 11-3 Authorization for Town Manager to Enter into a Contract for the Acquisition of new Automated Trash Collection System. Following discussion Councilwoman Mudd seconded the motion and it passed unanimous.

Public Hearings:

Hearing 1: Ordinance No. 11-5 Town of La Plata FY2011-2012 Tax Rate – for the purpose of adopting the Town of La Plata FY2011-2012 Tax Rate; and all matters generally relating thereto.

Mayor Pro-Tem Winkler made an announcement to silence cell phones and pagers, and called the hearing to order, and explained that the purpose of the hearing was to hear public comment on Ordinance No. 11-5 Town of La Plata FY2011-2012 Tax Rate, and reviewed the Public Hearing Procedures. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the April 15, 2011, edition of the Maryland Independent newspaper.

Mr. Mears explained the FY2011-2012 Tax Rate, explaining that the tax rate was .75 cents in 2000 and was reduced to .32 cents in 2001.

Mayor Pro-Tem Winkler called for questions of the Council regarding Ordinance No. 11-5. *[None]*

Mayor Pro-Tem Winkler asked if anyone in the audience has written documents for the record, regarding Ordinance No. 11-5. *[No written comments received or submitted.]*

Mayor Pro-Tem Winkler asked if anyone in the audience wished to speak regarding Ordinance No. 11-5. *[There were no speakers.]*

Mayor Pro-Tem Winkler asked for any additional questions of the Council. *[There were not questions.]*

There being no speakers, Mayor Pro-Tem Winkler concluded the hearing at 7:47 PM., and announced that the record will remain open for comments for 10 days, until May 6, 2011, at 4:00 PM., and the clerk read the notice of special meeting to consider adoption of Ordinance No. 11-5 Town of La Plata FY2011-2012 Tax Rate.

Hearing 2: Ordinance No. 11-3 Central Business Transition District and Single-Family Attached Dwelling Units – For the purpose of comprehensively revising zoning

regulations relating to the Town's existing Central Business Transition District and single family attached dwelling units.

Mayor Pro-Tem Winkler called the hearing to order, and explained that the purpose of the hearing was to hear public comment on **Ordinance No. 11-3 Central Business Transition District and Single-Family Attached Dwelling Units**. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the April 8, 2011, edition of the Maryland Independent newspaper.

Mr. Mears briefly explained the proposed changes in Ordinance No. 11-3, and the comprehensive review by the Planning Commission prior to making recommendation for introduction to the Town Council.

Mr. Jenkins summarized the staff report regarding the proposed changes to Section 191-3, 191-23.1, 191-30, 191-31, 191-34, and 191-36 of the Town Code, and the staff report dated April 26, 2011.

Mayor Pro-Tem Winkler called for questions of the Council regarding Ordinance No. 11-3. *[None]*

Mayor Pro-Tem Winkler asked if anyone in the audience has written documents for the record, regarding Ordinance No. 11-3. No written documents were presented from the audience, the clerk read for the record:

1. Excerpt from the minutes, which are pending approval of the Planning Commission Public Hearing April 5, 2011
2. Email from Mark Bohrer, who spoke in opposition of the changes to the Central Business Transition District and townhouse regulations proposed in Ordinance 11-3
3. Email from Katie Jones, who spoke in opposition of the changes to the Central Business Transition District and townhouse regulations proposed in Ordinance 11-3
4. Email from Richard White, who spoke in opposition of the changes to the Central Business Transition District and townhouse regulations proposed in Ordinance 11-3

Mayor Pro-Tem Winkler asked if anyone in the audience wished to speak regarding Ordinance No. 11-3.

1. John Bohner, 200 Edelen Station Place, spoke to approve the Ordinance so that Edelen Station could be completed.
2. Tom Fenner, 308 Prince Georges Street, spoke regarding his thoughts that this Ordinance was tailored for Edelen Station.
3. Gary Gasparovic, 401 Edelen Station Place, requested that those in the audience opposed to the changes included in Ordinance 11-3 stand to show their opposition, those in opposition stood. Mr. Gasparovic stated that his concern was with the potential construction of inexpensive townhouses, the possibility of construction of fee simple townhouses in Edelen Station, concerns with HOA enforcement, and that Edelen Station's original plan was approved as a luxury community.

4. Michael Pavlik, 305 Edelen Station Place, spoke regarding concern with density and less open space.
5. Mary Hall, 100 Edelen Station Place, #303, spoke to state that condominium units do sell.
6. Josh Ray, 307 Edelen Station Place, spoke to state concern with Concordia's proposal to Edelen Station and that the project as presented to Edelen Station will decline quality development.
7. Dennis Burks, Century 21, real estate agent for Edelen Station, spoke to state that financing for development of condominiums will not be under written.
8. Steve Scott, Scott Law Group, spoke on behalf of Concordia, regarding the project as proposed to Edelen Station residents and the reduction in density.
9. Will Collins, Concordia, spoke regarding the project proposal, as presented to the residents of Edelen Station and the variety of different housing options, the plan to hire the original architect, financing for only 50% of a project at a time, the plan to complete all outstanding items and that the current zoning allows for project completion.

Mayor Pro-Tem Winkler asked for any additional questions of the Council. *[None]*

There being no other speakers, Mayor Pro-Tem Winkler concluded the hearing at 8:25 PM., and announced that the record will remain open for comments for 10 days, until May 6, 2011, at 4:00 PM

► **Unfinished Business** *[None]*

► **New Business**

1. Commission Reports

- Councilman Winkler reported that the Parks and Recreation Commission did not meet in the month of April.
- Councilman Norris reported did not have a report for the Design Review Board.
- Councilman Back reported on the Planning Commission public hearing for Ordinance 11-3, preliminary plan extension for the La Grange subdivision, and the update of the Rules of Procedure.
- Councilwoman Mudd reported on the Beautification Commission plan to install benches on the Town Hall porches and the installation of new banners.

There being no further business to discuss, Councilwoman Mudd motioned to adjourn the meeting at 8:29 PM. Councilman Back seconded the motion and it passed by unanimous vote.

Submitted by:

Danielle Mandley, Town Clerk