

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
April 27, 2010

Present: Mayor Roy G. Hale, 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: Robert W. Oliphant, Treasurer; Cassin B. Gittings, Chief, La Plata Police Department; Catherine Flerlage, Director of Planning and Zoning; David M. Jenkins, Director of Municipal Development

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

Minutes:

Mayor Hale called the meeting to order at 7:01 PM, and then led the Pledge of Allegiance.

Approval of March minutes

Councilman Winkler moved to approve the minutes of the March 9 work session, March 16 joint session with the Planning Commission; March 16 special meeting, March 16 work session, and March 23 regular meeting. Councilman Norris seconded the motion and it passed by unanimous vote.

Treasurer's Report

Mayor Hale acknowledged receipt of the March 31, 2010 Treasurer's Report.

Petitions, Communications, Appearances and Public Forum

Public Forum (No speakers.)

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

Chief Gittings reported on the department's activities during the month of _____ March 2010.

Chief Gittings also reported that Officer Norris is currently in field training and an additional Officer has been hired, and is awaiting certification.

La Plata Volunteer Fire Department monthly report –Assistant Chief Gilroy

Mayor Hale acknowledged receipt of the March 2010 La Plata Volunteer Fire Department monthly report.

Assistant Chief Gilroy also reported on the GIS addressing, which is currently done using the ADC maps.

Proclamation - Public Service Recognition Week - May 3-9, 2010

Mayor read the Proclamation, declaring the week of May 3-9, 2010 Public Service Recognition Week.

Legislation

Ordinance No. 10-4 Town of La Plata FY2010-2011 Tax Rate (For introduction) – For the purpose of adopting the Town of La Plata FY2010-2011 Tax Rate; and all matters generally relating thereto.

Mr. Mears briefly described the FY2010-2011 Tax Rate, which is set again at \$.32 of \$100.00 of assessed value, and the second element, the Heritage Green Special Taxing District.

Resolution 10-8 Maryland Water and Wastewater Agency Response Network (“MDWARN”) Agreement (for introduction and consideration of adoption) – For the purpose of authorizing the Town Manager to execute and deliver, on behalf of the Town of La Plata (“Town”), the Maryland Mutual Aid and Assistance Agreement for Intrastate Water/Wastewater Agency Response Network (“MDWARN”); and all matters generally relating thereto.

Mr. Mears described the purpose of the MDWARN Agreement, to participate in intrastate Water/Wastewater Agency Response Network.

Councilman Norris moved to adopt Resolution 10-8 Maryland Water and Wastewater Agency Response Network. Councilwoman Mudd seconded the motion, following discussion it passed by unanimous vote.

Public Hearings:

Hearing 1: Planned Redevelopment and Infill District (PRID) Overlay Zone.

Mr. Mears briefly summarized the intent and purpose of the PRID Overlay Zone, which is a new zoning classification called for in the 2009 Comprehensive Plan.

Mayor Hale called the hearing to order and explained that the purpose of the hearing was to hear public comment on the Planned Redevelopment and Infill District (PRID) Overlay Zone. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the March 19, 2010, edition of the Maryland Independent newspaper.

Mayor Hale asked if anyone in the audience has written documents for the record, regarding the Planned Redevelopment and Infill District (PRID) Overlay Zone. There were no documents.

Mayor Hale asked if anyone in the audience wished to speak regarding the Planned Redevelopment and Infill District (PRID) Overlay Zone. There were no speakers.

There being no speakers, Mayor Hale closed the hearing at 7:26 PM.

Hearing 2: Ordinance No. 10-1 Revision of Sign Regulations

Mayor Hale called the hearing to order and explained that the purpose of the hearing was to hear public comment on the Revision of Sign Regulations. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the March 19, 2010, edition of the Maryland Independent newspaper.

Mr. Mears briefly summarized the intent of the Revision of Sign Regulations, which was reviewed and recommended by the Design Review Board, and Planning Commission.

Mayor Hale asked if anyone in the audience has written documents for the record, regarding the Revision of Sign Regulations. There were no documents.

Mayor Hale asked if anyone in the audience wished to speak regarding the Revision of Sign Regulations. There were no speakers.]

There being no speakers, Mayor Hale closed the hearing at 7:29 PM.

Hearing 3: Ordinance No. 10-4 Town of La Plata FY2010-2011 Tax Rate

Mayor Hale called the hearing to order and explained that the purpose of the hearing was to hear public comment on the Town of La Plata FY2010-2011 Tax Rate. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the Friday, April 16, 2010, edition of the Maryland Independent newspaper.

Mr. Oliphant briefly summarized the intent of the Town of La Plata FY2010-2011 Tax Rate.

Mayor Hale asked if anyone in the audience has written documents for the record, regarding the Town of La Plata FY2010-2011 Tax Rate. There were no documents.

Mayor Hale asked if anyone in the audience wished to speak regarding the Town of La Plata FY2010-2011 Tax Rate.

Garyton C. Echols, Jr., spoke in opposition of maintaining the current tax rate due to increased assessments, yet property values have decreased. The rate should decrease to reflect value of properties. Mr. Echols further stated that the tax rate is hindering residential development and the Council should consider lowering the tax rate.

There being no other speakers, Mayor Hale closed the hearing at 7:32 PM.

Hearing 4: Ordinance No. 10-3 Comprehensive Revision of Town Stormwater Management Regulations

Mr. Mears briefly summarized the purpose of the Comprehensive Revision of Town Stormwater Management Regulations, to comply with the regulations set forth in the Stormwater Act of 2007.

Mayor Hale called the hearing to order and explained that the purpose of the hearing was to hear public comment on the Comprehensive Revision of Town Stormwater Management Regulations. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the March 19, 2010, edition of the Maryland Independent newspaper.

Mayor Hale asked if anyone in the audience has written documents for the record, regarding the Comprehensive Revision of Town Stormwater Management Regulations.

Ms. Flerlage provided for the record a letter from Deborah J. Cappuccitti, water management Administration, Maryland Department of the Environment, dated April 21, 2010, approving the Ordinance as amended.

Mayor Hale asked if anyone in the audience wished to speak regarding the Comprehensive Revision of Town Stormwater Management Regulations.

James Erdman, Ben Dyer and Associates, spoke in favor of the Comprehensive Revision of Town Stormwater Management Regulations, as amended to include the grandfathering provisions.

There being no other speakers, Mayor Hale closed the hearing at 7:38PM.

Legislation

Ordinance No. 10-3 Comprehensive Revision of Town Stormwater Management Regulations (for consideration of adoption) – For the purpose of comprehensively revising the Town's existing stormwater management regulations, requirements, processes, procedures and penalties that apply to the development of certain land in the Town, as mandated by the State Storm Water Management Act of 2007 and regulations of the Maryland Department of the Environment and as approved by that Department; providing for the applicability of the provisions of this Ordinance; providing certain transition provisions, including the application of the provisions of this Ordinance to development projects in process as of a certain date; providing for the severability of provisions of this Ordinance; providing for the effective date of this Ordinance; and generally relating to regulating the development of land in the Town.

Councilwoman Mudd moved to adopt Amendments No. 1 through No. 15 to Ordinance 10-3, as described below. Councilman Winkler seconded the motion and it passed by unanimous vote.

AMENDMENTS TO ORDINANCE 10-3

Amendment No. 1

On page 3, immediately following line 82, insert the following new Section:

167-2.5 GRANDFATHER PROVISIONS

A. IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

- (1) ADMINISTRATIVE WAIVER – A DECISION BY THE APPROVING AGENCY PURSUANT TO THIS CHAPTER TO ALLOW THE CONSTRUCTION OF A DEVELOPMENT TO BE GOVERNED BY THE STORMWATER MANAGEMENT ORDINANCE IN EFFECT AS OF MAY 4, 2009. AN ADMINISTRATIVE WAIVER IS DISTINCT FROM A WAIVER GRANTED PURSUANT TO SECTION 167-4.3 OF THIS CHAPTER.
- (2) APPROVAL – A DOCUMENTED ACTION FOLLOWING A REVIEW TO DETERMINE AND ACKNOWLEDGE THE SUFFICIENCY OF SUBMITTED MATERIAL TO MEET THE REQUIREMENTS OF A SPECIFIED STAGE IN THE DEVELOPMENT PROCESS. ACKNOWLEDGEMENT THAT SUBMITTED MATERIAL HAS BEEN RECEIVED FOR REVIEW IS NOT AN APPROVAL OF THAT MATERIAL OR THE PROJECT REFLECTED IN THAT MATERIAL.
- (3) FINAL PROJECT APPROVAL – APPROVAL OF THE FINAL STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN REQUIRED TO CONSTRUCT A PROJECT’S STORMWATER MANAGEMENT FACILITIES. FINAL PROJECT APPROVAL ALSO INCLUDES SECURING BONDING OR FINANCING FOR FINAL DEVELOPMENT PLANS.
- (4) PRELIMINARY PROJECT APPROVAL – AN APPROVAL AS PART OF A PRELIMINARY DEVELOPMENT OR PLANNING REVIEW PROCESS THAT INCLUDES, AT A MINIMUM:
 - (A) THE NUMBER OF PLANNED DWELLING UNITS OR LOTS;
 - (B) THE PROJECT DENSITY;
 - (C) THE PROPOSED SIZE AND LOCATION OF ALL LAND USES FOR THE PROJECT;
 - (D) A PLAN THAT IDENTIFIES:
 - [1] THE PROPOSED DRAINAGE PATTERNS;
 - [2] THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE; AND

[3] THE TYPE, LOCATION, AND SIZE OF ALL STORMWATER MANAGEMENT MEASURES BASED ON SITE-SPECIFIC STORMWATER MANAGEMENT REQUIREMENTS COMPUTATIONS; AND

(E) ANY OTHER INFORMATION REQUIRED, INCLUDING, BUT NOT LIMITED TO:

[1] THE PROPOSED ALIGNMENT, LOCATION, AND CONSTRUCTION TYPE AND STANDARD FOR ALL ROADS, ACCESS WAYS, AND AREAS OF VEHICULAR TRAFFIC;

[2] A DEMONSTRATION THAT THE METHODS BY WHICH THE DEVELOPMENT WILL BE SUPPLIED WITH WATER AND WASTEWATER SERVICE ARE ADEQUATE; AND

[3] THE SIZE, TYPE, AND GENERAL LOCATION OF ALL PROPOSED WASTEWATER AND WATER SYSTEM INFRASTRUCTURE.

B. THE TOWN MAY GRANT AN ADMINISTRATIVE WAIVER TO A DEVELOPMENT THAT RECEIVED A PRELIMINARY PROJECT APPROVAL PRIOR TO MAY 4, 2010. ADMINISTRATIVE WAIVERS EXPIRE ACCORDING TO SUBSECTION C OF THIS SECTION, AND MAY BE EXTENDED ACCORDING TO SUBSECTION D OF THIS SECTION.

C. EXPIRATION OF ADMINISTRATIVE WAIVERS.

(1) EXCEPT AS PROVIDED FOR IN SUBSECTION D OF THIS SECTION, AN ADMINISTRATIVE WAIVER SHALL EXPIRE ON:

(A) MAY 4, 2013, IF THE DEVELOPMENT DOES NOT RECEIVE FINAL PROJECT APPROVAL PRIOR TO THAT DATE; OR

(B) MAY 4, 2017, IF THE DEVELOPMENT RECEIVES FINAL PROJECT APPROVAL PRIOR TO MAY 4, 2013.

(2) ALL CONSTRUCTION AUTHORIZED PURSUANT TO AN ADMINISTRATIVE WAIVER MUST BE COMPLETED BY MAY 4, 2017 OR, IF THE WAIVER IS EXTENDED AS PROVIDED IN SUBSECTION D OF THIS SECTION, BY THE EXPIRATION DATE OF THE WAIVER EXTENSION.

D. EXTENSION OF ADMINISTRATIVE WAIVERS.

(1) EXCEPT AS PROVIDED IN SUBSECTION D(2) OF THIS SECTION, AN ADMINISTRATIVE WAIVER SHALL NOT BE EXTENDED.

(2) AN ADMINISTRATIVE WAIVER MAY ONLY BE EXTENDED IF, BY MAY 4, 2010, THE DEVELOPMENT:

(A) HAS RECEIVED A PRELIMINARY PROJECT APPROVAL; AND

(B) WAS SUBJECT TO A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT, A TAX INCREMENT FINANCING APPROVAL, OR AN ANNEXATION AGREEMENT.

(3) ADMINISTRATIVE WAIVERS EXTENDED ACCORDING TO SUBSECTION D(2) OF THIS SECTION SHALL EXPIRE WHEN THE DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT, THE TAX INCREMENT FINANCING APPROVAL, OR THE ANNEXATION AGREEMENT EXPIRES.

Amendment No. 2

▶On page 7, line 276, immediately following “ALTERATION”, strike “OR”.

Amendment No. 3

▶On page 7, line 277 strike “EXCEEDING FIVE THOUSAND (5,000) SQUARE FEET OF”, and insert, “OR”, immediately following “IMPROVEMENT”, to read as follows:

REDEVELOPMENT--ANY CONSTRUCTION, ALTERATION, ~~OR~~ IMPROVEMENT ~~EXCEEDING FIVE THOUSAND (5,000) SQUARE FEET OF~~ OR LAND DISTURBANCE PERFORMED ON SITES USED FOR OTHER THAN SINGLE-FAMILY RESIDENTIAL PURPOSES WHERE EXISTING SITE IMPERVIOUS AREA EXCEEDS 40 PERCENT OR THE PROPOSED DEVELOPMENT IS LOCATED IN A PRID ZONE.

Amendment No. 4

On page 8, line 348, insert “A WAIVER IS DIFFERENT FROM AN ADMINISTRATIVE WAIVER AS DEFINED IN SECTION 167-2.5A(1).”

Amendment No. 5

▶On page 10, line 410; insert “EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, immediately before “STORMWATER”.

Amendment No. 6

▶On page 10, line 423; insert “EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, immediately before “SUBJECT”.

Amendment No. 7

On page 10, line 434; strike “.”, and insert “, OR”, immediately following “PRACTICES”.

Amendment No. 8

On page 10, line 435; insert the following new paragraphs:

(3) PROJECTS THAT ARE IN-FILL DEVELOPMENT LOCATED IN A PRIORITY FUNDING AREA WHERE THE ECONOMIC FEASIBILITY OF THE PROJECT IS TIED TO THE PLANNED DENSITY, AND WHERE IMPLEMENTATION OF THE REGULATORY REQUIREMENTS OF THIS CHAPTER WOULD RESULT IN A LOSS OF THE PLANNED DEVELOPMENT DENSITY PROVIDED THAT:

- (a) PUBLIC WATER AND SEWER AND STORMWATER CONVEYANCE EXIST;
- (b) THE QUANTITATIVE WAIVER IS APPLIED TO THE PROJECT FOR THE IMPERVIOUS COVER THAT PREVIOUSLY EXISTED ON THE SITE ONLY;
- (c) ESD TO THE MEP IS USED TO MEET THE FULL WATER QUALITY TREATMENT REQUIREMENTS FOR THE ENTIRE DEVELOPMENT; AND
- (d) ESD TO THE MEP IS USED TO PROVIDE FULL QUANTITY CONTROL FOR ALL NEW IMPERVIOUS SURFACES.

Amendment No. 9

Page 10, On line 436, insert; “EXCEPT AS PROVIDED IN SECTION H OF THIS SECTION,”, to read as follows:

C. EXCEPT AS PROVIDED IN SECTION H OF THIS SECTION, STORMWATER MANAGEMENT QUALITATIVE CONTROL WAIVERS APPLY ONLY TO:

Amendment No. 10

On page 12, immediately following line 495, insert the following new paragraph:

H. STORMWATER MANAGEMENT QUANTITATIVE AND QUALITATIVE CONTROL WAIVERS MAY BE GRANTED FOR PHASED DEVELOPMENT PROJECTS IF A SYSTEM DESIGNED TO MEET MARYLAND DEPARTMENT OF THE ENVIRONMENT 2000 REGULATORY REQUIREMENTS FOR MULTIPLE PHASES HAS BEEN CONSTRUCTED BY MAY 4, 2010. IF THE REQUIREMENTS OF THIS CHAPTER CANNOT BE MET FOR FUTURE PHASES CONSTRUCTED AFTER MAY 4, 2010, ALL REASONABLE EFFORTS TO INCORPORATE ESD IN FUTURE PHASES MUST BE DEMONSTRATED.

Amendment No. 11

On page 13, immediately following line 575, insert the following new paragraphs:

C. THE DETERMINATION OF WHAT ALTERNATIVES WILL BE AVAILABLE MAY BE MADE AT THE APPROPRIATE POINT IN THE DEVELOPMENT REVIEW PROCESS. THE TOWN SHALL CONSIDER THE PRIORITIZATION OF ALTERNATIVES IN SUBSECTION B(4) OF THIS SECTION AFTER IT HAS BEEN

DETERMINED THAT IT IS NOT PRACTICABLE TO MEET THE REQUIREMENTS OF THIS CHAPTER USING ESD. IN DECIDING WHAT ALTERNATIVES MAY BE REQUIRED, THE TOWN MAY CONSIDER FACTORS INCLUDING, BUT NOT LIMITED TO:

- (1) WHETHER THE PROJECT IS IN AN AREA TARGETED FOR DEVELOPMENT INCENTIVES SUCH AS A PRIORITY FUNDING AREA OR A TRANSIT ORIENTED DEVELOPMENT.
- (2) WHETHER THE PROJECT IS NECESSARY TO ACCOMMODATE GROWTH CONSISTENT WITH COMPREHENSIVE PLANS; OR
- (3) WHETHER BONDING AND FINANCING HAVE ALREADY BEEN SECURED BASED ON AN APPROVED DEVELOPMENT PLAN.

Amendment No. 12

On page 13, line 576, strike “C.” and substitute “D.”.

Amendment No. 13

On page 14, immediately following line 581, insert the following new paragraphs:

E. THE RECHARGE, CHANNEL PROTECTION STORAGE VOLUME, AND OVERBANK FLOOD PROTECTION VOLUME REQUIREMENTS, SPECIFIED IN THE DESIGN MANUAL DO NOT APPLY TO REDEVELOPMENT PROJECTS UNLESS SPECIFIED BY THE TOWN.

F. ON-SITE OR OFF-SITE CHANNEL PROTECTION STORAGE VOLUME REQUIREMENTS AS SPECIFIED IN THE DESIGN MANUAL MAY BE IMPOSED IF WATERSHED MANAGEMENT PLANS DEVELOPED ACCORDING TO SUBSECTION 167-4.3 F, OF THIS SECTION INDICATE THAT DOWNSTREAM FLOODING OR EROSION NEED TO BE ADDRESSED.

Amendment No. 14

On page 31, Line 1362, strike “SECTION”, and insert “CHAPTER”.

Amendment No. 15

On page 31, immediately following line 1363. insert the following new paragraphs:

D. THE APPLICABILITY OF THE REQUIREMENTS OF THIS SECTION IS SUBJECT TO THE ADMINISTRATIVE WAIVER PROVISIONS SET FORTH IN SECTION 167-2.5 OF THIS CHAPTER.

Councilman Back moved to adopt Ordinance 10-3, as amended. Councilman Norris seconded the motion and it passed by unanimous vote.

Unfinished Business (None.)

New Business

- Commission Reports

Councilman Winkler reported that the Parks and Recreation Commission is currently looking to fill two vacancies. At the last meeting the Commission met with ERM concerning the Comprehensive Parks and Recreation Plan, and is requesting Citizen input into the project.

Councilman Back reported on the Planning Commission, and the addition of Mary Grant as alternate member. The Commission recently conducted Public Hearings on the Revision of Sign Regulations and Planned Redevelopment and Infill District Overlay Zone.

Councilwoman Mudd reported on the Beautification Commission activities. The Commission is proud of the Town Hall grounds, which will have annual plantings, and the large planters replaced. The boundary and parks signs are currently under discussion, with the La Plata Community Garden Club working on the sign for Wills Park.

Councilman Norris reported on the Design Review Board, which reviewed the design for the Valentine building, 105 Drury Drive. The Board suggested changes to the North and East facades. The design came back with nice changes and was approved.

Mayor Hale commented on “Celebrate La Plata”, and expressed his heartfelt sympathy for other communities who have experienced tornados.

Councilman Winkler commented that the Town has done a good job not increasing the tax rate for many years.

There being no further business, Councilwoman Mudd moved to adjourn the meeting at 7:49 PM. Councilman Back seconded the motion and it passed by unanimous vote.

Submitted by:

Danielle Mandley
Town Clerk