

Council of the Town of La Plata  
Town Hall, La Plata, Maryland  
Regular Meeting – 7:00 PM  
December 13, 2005

Present: Mayor Gene Ambrogio, Councilman 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: Cassin B. Gittings, Chief, La Plata Police Department; Joseph W. Norris, Town Treasurer

*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 7:40 PM, Tuesday, November 22, 2005, in the La Plata Town Hall.*

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

*On a motion made by Councilwoman Mudd, 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)(3) – Consider the acquisition of real property for a public purpose and matters directly related thereto; and 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. The purpose of the meeting was to discuss (1) acquisition of property for future parking lot expansion, (2) acquisition of property for road widening, and (3) personnel issue. Action taken: (1) Acquisition of property for future parking lot expansion: Following an update by the Town Treasurer regarding negotiations to purchase the property, the Council agreed on an amount to offer. (2) Acquisition of property for road widening: Following an update by the Town Manager, the Town Council agreed to wait to see what the market forces would bear on the ability of potential buyers to develop, and in order to determine if the owner would reduce the price of the property. (3) Personnel issue: The Town Council agreed to schedule a series of work sessions beginning in December to develop evaluation parameters for the Town Manager and Town Treasurer. The meeting adjourned at 8:20 PM.*

Minutes:

Mayor Ambrogio called the meeting to order at 7:00 PM and asked Staff Sgt. Select Dobry to lead the Pledge of Allegiance.

#### Approval of November minutes

Councilman Winkler moved to approve the minutes of the November 1, 2005 work session, November 8, 2005 regular meeting, November 15, 2005 work session, November 22, 2005 work

session and special meeting, and November 22, 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 October 31, 2005.

### Petitions, Communications and Appearances

#### Representatives of 89<sup>th</sup> Civil Engineer Squadron, Andrews Air Force Base

Mayor Ambrogio presented a Town Seal to Staff Sgt. Select Dobry in appreciation of the clean up and beautification work they performed in the Phoenix Run community, and also announced that Sgt. Dobry and his wife and family have adopted Glen Albin Road in the Adopt-A-Road program.

#### Public hearing

*[Councilman Winkler recused himself from participating in the hearing and discussion, due to a possible conflict of interest arising from having an interest in a business similar to one proposed; and left the Council table until the subject concluded.]*

Resolution 05-10 Rosewick Limited Partnership Annexation – 97.0 acres – For the purpose of authorizing the annexation of 97.0 acres, more or less, of contiguous land into the corporate limits of the Town of La Plata by amending the corporate limits of the Town; establishing certain terms, conditions and circumstances applicable to such land and to the owners thereof; providing for the zoning of such land upon annexation; and all matters relating to the annexation of such 97.0 acres of land, more or less, into the Town of La Plata.

Mayor Ambrogio called the hearing to order. The following documents were entered into the record (1) the Certification of Publication of the hearing notice in the November 2, November 9, November 16 and November 23, 2005 editions of the Maryland Independent; (2) Affidavit from Loiederman Soltesz Associates that signs were posted on the property on November 21, 2005 giving notice of the time and place of the public hearing; (3) letter from the County Commissioners of Charles County, dated December 12, 2005, advising they do not concur with the requested C-H zoning; (4) letter from Roger and Linda Rollins, 114 Dulles Street, dated December 11, 2005, in opposition to the annexation and rezoning; (5) written statement of William F. Eckman, 808 Severn Drive, dated December 13, 2005, in support of the annexation; (6) a petition signed by 33 people in support of the annexation; (7) letter from Rebecca Turner, undated, in opposition to annexation; and email from Julie Crismond, 23 Goldfinch Court, dated December 13, 2005, in support of rezoning for retail space and senior housing.

Roger Wright, of Faison, presented information about the petition to annex, the proposed development and proposed improvements to the water and sewer systems, and answered questions posed by the Town Council. He remarked that the petition will be amended to remove the approximately 24 ac. parcel that was of concern to the Town Council, and that the property previously proposed to develop as senior living housing is now proposed to develop as office building. Thomas F. Mudd, attorney for the applicant, provided an overview of the petition and entered the petition and

all exhibits into the record: aerial photo, property outlines, and copy of the PowerPoint presentation. Mr. Mudd advised that they plan to file an amended petition by Friday, December 16, and asked that the Town Council ask the Planning Commission to consider the amended petition at their January 3, 2006 meeting, and asked that the Town Council consider the amended petition at their January 10, 2006 meeting.

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

Tina Hieb, 100 Westmorland Court, La Plata, spoke in opposition to the annexation and rezoning and expressed concern that there is a finite amount of water in the aquifer. Ms. Hieb noted that several thousand homes are planned to be built within Town and she believed the water should be used for what the Town already has planned.

Kathleen Quade, 9604 Kline Drive, La Plata (north of Rosewick Road), spoke in opposition to the annexation and rezoning and expressed concern regarding the negative impact this development will have on the homes on deep wells north of the proposed annexation area, which she stated were in the same aquifer. Ms. Quade also expressed concern regarding the traffic impact on the area, which she stated was already bad.

Blake Altman, 104 Quail Court, La Plata, spoke in opposition to the annexation and rezoning and expressed concern regarding the impact on the water and sewer infrastructure capacity and traffic impact.

Kathleen Vinson, 2230 Bridle Path Drive, Waldorf, one of the owners of residential property included in the petition, spoke in support of the annexation and rezoning and advised that she can't build a house on her residential property because the County has advised her that the land is future development area.

Garyton C. Echols, Jr., 806 Severn Drive, La Plata, spoke in opposition to the annexation and rezoning and expressed concern regarding the ability of the current water and sewer systems to serve the property, including the amount of water necessary for fire protection, noting that the sprinklers will require a great deal of water in a water storage device for that purpose. Mr. Echols noted the applicant has not demonstrated how their proposed improvements to the Town's water system will increase water supply to the Town.

William G. Livingston, 6549 Ellwood Drive, La Plata, spoke in support of the annexation and rezoning.

James Streett, 9590 Kathleen Place, La Plata, one of the owners of residential property included in the petition, spoke in support of the annexation and rezoning and the proposed development.

Francis Reidy, 304 Prospect Street, La Plata, spoke in support of the annexation and rezoning and the proposed development.

Robert Thomas, 7417 Robin Road, La Plata, spoke in support of the annexation and rezoning and the proposed development.

Kim Lauer, 6018 Exchange Drive, La Plata, asked that Faison address the water and sewer concerns raised at the hearing.

*[A brief discussion ensued during which Rob Sell, of McCrone Engineers, advised that this development will use 100,000 gallons of water per day, the well will be 1300' deep and will pump 400-500 gallons per minute to fill the tank.]*

Mike Runfola, 113 Morris Drive, La Plata, spoke in opposition to the annexation and rezoning and expressed concern regarding the impact on the limited water supply from an aquifer which is not recharging, and concern regarding the traffic impact.

Upon Mayor Ambrogio advising he did not feel closing remarks by the applicant were necessary, Councilman Back raised a point of order and stated he wanted the Council to vote on allowing closing remarks as he wished to hear them. There being no voiced objection to allowing closing remarks, Mr. Mudd stated he believed the Town should consider all information presented and that it was their duty to the citizens. He also pointed out that the applicant proposes to provide consumer-needed products.

Councilman Back moved to keep the public hearing open for 45 days to allow for an additional public comment period for those who may have been unable to speak at the hearing. Councilwoman Mudd seconded the motion and it carried.

There being no other speakers and no further discussion by the Town Council, Mayor Ambrogio closed the hearing at 8:19 PM and called for a brief recess. The meeting reconvened at 8:25 PM.

### Legislation

Ordinance 05-17 Traditional Neighborhood Development – Garage Parking Spaces (For Adoption) - 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 and the two amendments, the first of which was from the Planning Commission and the other from Town Staff:

#### Amendment No. 1

On page 4, line 128, immediately after “THERE IS A MINIMUM”, strike “TEN FT. (10’)” and insert “EIGHT FT. (8)’”.

#### Amendment No. 2

On page 1, line 26, strike the “By adding to” clause providing for the addition of a new Section 191-30H.; and on page 6, line 218, strike SECTION 5. in its entirety and renumber accordingly.

Councilman Winkler moved to adopt Amendments 1 and 2 to Ordinance 05-17. Councilman Newman seconded the motion and it passed by unanimous vote.

Councilman Back moved to adopt Ordinance 05-17 as amended. Councilwoman Mudd seconded the motion. In discussion before the vote, Councilman Winkler received clarification from Mr. Miller regarding crediting garage parking towards the off-street parking requirements. Vote on the motion: the motion passed by unanimous vote.

Ordinance 05-18 Election Ward Boundaries Map Update (For Adoption) – 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.

Councilman Newman moved to adopt Ordinance 05-18. Councilman Winkler seconded the motion and it passed by unanimous vote.

### Unfinished Business

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

Mr. Miller provided a brief description of the background of this TND request and advised if the Town Council grants the designation, it will go back to the Planning Commission for the site development process.

Councilman Back moved to grant the TND designation request by GP Homes, LLC on Parcels 17, 18, 20, 21, 22, 23, 24 and 25 of Heritage Green. Councilman Newman seconded the motion and it passed by unanimous vote.

### New Business

#### Commission Reports

Councilman Winkler reported on his attendance at the National League of Cities Convention and on his attendance at meetings with the Secretaries of Planning and MDE regarding regional water supply issues.

Councilwoman Mudd praised the Beautification Commission members for decorating the Town Hall for Christmas, and reported that the new benches and trash cans have been installed. Councilwoman Mudd remarked that she would like to have SMECO work on repairing three street lights on La Grange Avenue and some on Centennial Street. Mr. Miller advised that SMECO has been asked to provide the repairs, and noted that SMECO indicated they are running behind on their work order list.

Councilman Back reported on topics discussed at the December 6 Planning Commission meeting.

Councilman Newman reported on topics discussed at the November Parks and Recreation Commission meeting.

Mayor Ambrogio reported that the Town hosted the Southern Maryland Municipal Association legislative dinner meeting on December 7.

#### Traffic Signals

Councilman Newman moved that the Town conduct a study regarding traffic signals along Route 301 in the Town and rescind support for any future traffic signals placed in the southern area of the Town. Councilwoman Mudd seconded the motion. In discussion before the vote, Councilman Newman clarified that a new traffic signal in the southern area of the Town will create more traffic congestion. Councilman Winkler pointed out that the proposed development in that area must have the traffic signal in order to proceed. Mayor Ambrogio called for a roll call vote: Mayor Ambrogio and Councilman Winkler voted nay; Councilmen Back, Mudd and Newman voted aye. The motion passed by majority vote.

#### Cancellation of December 27, 2005 work session

Councilwoman Mudd moved to cancel the December 27, 2005 work session. Councilman Back seconded the motion and it passed by unanimous vote.

#### Wanda Woodland, NAACP, regarding Voter ID

Wanda Woodland and William Braxton, President of the Charles County Chapter of NAACP, spoke in opposition to Town Code Section 17-15 regarding voter identification. Mr. Braxton stated they believe that Section 17-15 amounts to an illegal poll tax and that it is a civil rights violation. He asked the Town to rescind the requirement and suggested that the Town use the provisional ballot system in use by the State of Maryland. Mr. Braxton offered that the NAACP was willing to meet and discuss this further with the Town, or in lieu of that, asked if the Town would provide them with a written response in 30 days. Mayor Ambrogio advised that the Town intends to review the entire Charter and wants to remedy this issue, and noted that there are no Town elections until 2007. He also noted that the Town has responded in writing to the ACLU on this issue. Mr. Miller explained that the Town intends to address this issue in spring/summer 2006, well in advance of the next elections in 2007.

#### Public Forum

Chief Gittings reported that the Maryland Chiefs of Police Association has adopted Special Olympics as their charity of choice, for which they do many fund raising activities, including the recent Polar Plunge on December 3. Chief Gittings reported that the La Plata Police Department raised more money than the other police departments in the three Southern Maryland counties participating, and commended Officer Robert Bagley for coordinating the department's efforts.

Robert Jacobs, 1015 Wiltshire Drive, asked the Town to ask the County if they can build a southern bypass and asked the Town to petition the County to widen Washington Avenue to at least 3 or 4 lanes.

There being no further business, Councilman Winkler moved to adjourn at 9:05 PM. Councilman Back seconded the motion and it carried.

Submitted by:

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Judith T. Frazier  
Town Clerk