

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting
August 24, 2004, 7:00 PM

Present: Mayor William F. Eckman, Councilman Wayne Winkler, Councilman Gene Ambrogio, Councilman Roy G. Hale; Douglas R. Miller, Town Manager; Patricia L. Bembe, Assistant Town Manager; Judith T. Frazier, Town Clerk

Town staff: Michelle Miner, Director of Community Development; Carol Rollins, Administrative Assistant; Cathy Flerlage, Director of Planning and Zoning; Chief Cassin B. Gittings, La Plata Police Department

Guests: (see roster)

Minutes:

Mayor Eckman called the meeting to order at 7:00 PM and then led the Pledge of Allegiance.

Treasurer's Report

Mayor Eckman acknowledged receipt of the Treasurer's Report dated July 31, 2004.

Petitions, Communications and Appearances

Presentation to Mark Rose

Mayor Eckman read and presented a Town Seal to Mark Rose, expressing the Town's appreciation for the many hours he worked to help La Plata's residents and business community recover from the 2002 tornado, his leadership in the tree debris removal efforts, his work as co-chair of the La Plata Treescape Restoration Committee and his work to obtain and administer a grant from the Department of Natural Resources to restore La Plata's treescape.

Paula Winkler - Presentation to Mark Rose

Ms. Winkler thanked Mr. Rose, personally and on behalf of the Beautification Commission, for all he has done for La Plata, and presented him with a gift of a White Oak tree.

Paula Winkler - Brief statement regarding "Big Boxes"

Speaking as a resident, Ms. Winkler read a brief prepared statement in which she explained her opposition to big chain retailers, noting they are bad for businesses in the Central Business District and require large expanses of asphalt for parking. Ms. Winkler asked the Town Council to set a square footage maximum on big chain retail stores.

Legislation

Ordinance 04-6 Traditional Neighborhood Development (For Adoption) – For the purpose of creating Traditional Neighborhood Development (TND) as a floating zone within the Mixed Use District; specifying criteria and regulations for TND, defining certain terms; and all matters generally relating thereto.

Mr. Miller explained that information had been received late today that indicated there may be some problems with the regulations contained in the TND ordinance, and asked that the Town Council not consider this for adoption at this meeting. Councilman Winkler voiced his agreement, especially in light of the need to review the thirty-three proposed amendments. Mr. Miller agreed with Councilman Hale that the ordinance should be put back through the Planning Commission.

Ordinance 04-11 Development Plan Review Fee (For Adoption) – For the purpose of levying a Development Plan Review Fee for the review of development plans for Mixed Use Developments (MUD) and Traditional Neighborhood Developments (TND); and all matters generally related to the MUD and TND Development Plan Review Fee.

As this fee is directly related to TND, Mr. Miller asked that adoption of this ordinance also be postponed.

Unfinished Business

Council reports

Councilman Winkler advised he had no report on the La Plata Business Association.

Councilman Ambrogio reported on Beautification Commission activity, noting that two large oaks planted on Oak Avenue are dying.

Councilman Hale reported that the Planning Commission meets next week, and further reported that the Pumpkin Jubilee is scheduled for Sunday, October 3. Councilman Ambrogio remarked that the Shape Up La Plata walk through the Kent Avenue neighborhoods will be held in conjunction with the Pumpkin Jubilee.

Mayor Eckman reported that we will have the Salute to Veterans Ceremony on the front lawn this year as Civista has informed him that they won't have construction activity then on the front lawn of Town Hall.

Mayor Eckman passed along an invitation from the Governor to be part of a Mayoral Delegation group going to Estonia. Councilman Winkler advised he would look into the possibility of attending.

Continuation of discussion with business community regarding sign regulations

Mayor Eckman explained that the Council wished to continue discussing problems with the sign regulations, noting that staff comments (copy attached to these minutes) and business community comments will all be taken under advisement by the Town Council. Mayor Eckman encouraged that written statements be submitted, and noted that this evening's discussion was for informal comments and was not a public hearing. He further noted that after the Town Council reviews all of the comments, public hearings will be held before the Planning Commission and Town Council regarding any proposed amendments to the sign regulations. Mayor Eckman called on Town staff and other speakers to make comments.

Ms. Bembe and Ms. Rollins presented Town staff sign issues. Ms. Bembe noted that Town staff had been working on these for the past nine months and had identified certain issues for consideration by the Town Council:

1. Additional signage for corner lots;
2. Additional signage for walk-up restaurants;
3. Signs that should be allowed in addition to the permitted signage:
 - a. "open" signs and store hours
 - b. window signs
 - c. "now hiring" signs
 - d. property address signs
 - e. "grand opening" signs
4. Eliminate permit requirement for:
 - a. sandwich boards
 - b. "now hiring" signs
 - c. "open" signs and store hours
5. Allow signage in residential zoning districts for certain uses such as churches.

Tim Murphy explained he is replacing two buildings by rebuilding one structure, and recommended that each building in the Central Business District be allowed to display a building name and street number, which should not be counted in the signage computations. He also asked that the Town Council reconsider the 50 square foot maximum in the Central Business District, noting it was too stringent.

Jim Withar, UPS Store, asked that the Town Council consider allowing businesses with a national trademark/logo and colors to display that trademark/logo rather than be restricted by the Design Review Board-approved (sign) colors for the shopping center in which they are located.

John Bales, who owns properties on Charles Street, expressed concern regarding how allowed signage is calculated for businesses who occupy a building with north- and south-facing frontages.

Ben Walsh, The Little Gym, questioned the requirement to replace existing nonconforming signs within five years of the adoption of the ordinance. Mayor Eckman and Mr.

Miller explained that the requirement was removed after the first draft due to comments from the business community, and that nonconforming signs may stay until they need to be replaced.

B. R. Winkler, Jr., La Plata Mill, agreed that the 50 square foot maximum needs to be addressed, advised he believed that window signs should be allowed, and agreed that trademark/logo signs should be allowed.

Rick Baldus, owner and representative of the Baldus Centre, indicated he agreed that building identification signs should be allowed and not be counted against the allowed signage. He further pointed out that not every tenant in a building may have signage, but would refer to the building name and street address.

Tom Higdon, owner of a business on Kent Avenue, questioned the definition of a walk-up restaurant, and was advised by Mayor Eckman and Ms. Bembe that an example would be Rita's, where you walk up to the building, place your order at a window and take it away with you. Mr. Higdon expressed concern that the sign regulations seem to be against small businesses.

Angela Kabala and John Jilek, owners of the Charles County Chamber of Commerce Building and new Rita's, agreed regarding allowing trademark/logo signs, commented on the need to allow a menu board on the face of the building that is not a removable sign, and the need to allow signage for multi-use buildings.

Steve Stookey, Southern Maryland Oil, agreed regarding allowing national branding signs.

Paul Bales, The Crossing at Casey Jones, noted that his is an independent business, that he believes that the distinction between downtown and Route 301 is deliberate, and that the Town should maintain quality in creating an environment and community with more future worth.

Gary Echols, who spoke as a resident, business owner, Vision Team member, and 35-year member of the Planning Commission, advised he had been very involved in the development of the sign ordinance, which he said all realized would be controversial. Mr. Echols asked that the Town Council reconsider the sign ordinance, including the issues of trademark/logo signs, including size and color. He noted that he did not believe enough signage is allowed in the Commercial Highway District, and asked that the regulations be applied in an even-handed manner to everyone.

Janis Lawlor Watsky expressed concern that building numbers be allowed in order that emergency services may easily identify the building.

Mayor Eckman thanked all who spoke, noting that all comments would be considered but that not all may be accommodated. He encouraged written statements be submitted by next Tuesday in order to be discussed at the Town Council's morning work session.

New Business

Commission Appointment

Mayor Eckman recommended that Robert Turgeon be appointed to the Design Review Board. Councilman Hale a motion to approve the appointment. Councilman Winkler seconded the motion and it passed by unanimous vote.

Budget Amendment: \$8,000 for purchase of used Ford truck

Mr. Miller explained that an amendment was needed to the budget in the amount of \$8,000, to purchase a used Ford truck. He noted that this was an unscheduled need to replace a 15-year old pick-up truck and that a good used vehicle had been found.

Councilman Hale made a motion to approve the budget amendment. Councilman Winkler seconded the motion. In discussion before the vote, Councilman Ambrogio questioned why the Town waited until the truck was falling apart. Mr. Miller explained that Mr. Norris, Town Treasurer, had not included the truck in the Vehicle Replacement cycle in hopes of replacing it with another vehicle that was being replaced; however, the truck did not last as long as had been hoped. The used vehicle proposed to be purchased has been checked out and found to be okay by the Town's mechanic, Sterling Hayden, who will be the employee to whom the truck is assigned. Vote on the motion: passed by unanimous vote.

Public Forum

Councilman Winkler returned to the earlier topic of limiting the size of big box retail stores and read a portion of a signage document Mayor Eckman had placed in his mailbox, which reports that big box retailers spend less locally than do local businesses. Councilman Winkler stated he believed that the Town Council needs to discuss this topic and get input from the citizens as to the direction they wish the Town to go on the size of big box retail businesses.

Chief Gittings reported on enforcement activity at the crosswalk on Charles Street in front of Civista and at the "No Left Turn" from Hawthorne Drive into CVS. He noted that both of these enforcement programs are of a continuing nature.

Ben Walsh, The Little Gym, received confirmation that a variance may be applied for regarding signs.

There being no further business, Councilman Hale made a motion to adjourn at 8:20 PM. Councilman Winkler seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk