

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting
March 22, 2005, 7:00 PM

Present: Mayor William F. Eckman, Councilman Wayne Winkler, Councilman C. Keith Back, Councilman Gene Ambrogio, Councilman Roy G. Hale; Douglas R. Miller, Town Manager; Judith T. Frazier, Town Clerk

Town staff: Cathy Flerlage, Director of Planning and Zoning; B. Gayle Curry, Finance 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 6:01 PM, Tuesday, March 8, 2005, in the La Plata Town Hall.

Present: Councilmen Hale, Winkler, Back, and Ambrogio; Douglas R. Miller, Town Manager; Judith T. Frazier, Town Clerk; Frederick C. Sussman, Town Attorney.

On a motion made by Councilman Winkler, seconded by Councilman Back, 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. The purpose of the meeting was to discuss acquisition of property for Wastewater Treatment Plant expansion. Action taken: The Town Manager was instructed to have a plat prepared and to obtain an appraisal. The meeting adjourned at 6:53 PM.

Minutes:

Mayor Eckman called the meeting to order at 7:00 PM and then led the Pledge of Allegiance. Mayor Eckman noted he was happy to be back and thanked all for their prayers, cards and well wishes.

Treasurer's Report

Mayor Eckman acknowledged receipt of the Treasurer's Report dated February 28, 2005.

Petitions, Communications and Appearances

Proclamation – Municipal Government Works Month - April 2005

Mayor Eckman read the proclamation and it was signed by the Town Council.

Loiederman Soltesz Associates, Inc. - design for elevated (bridge) railroad crossing for Heritage Green

David Cooksey, Ed Carroll and Dan Anderton, of Loiederman Soltesz Associates, and Lois Page and Charis Lapas, of GP Homes, presented information regarding a proposed road alignment to provide for an elevated railroad crossing, which would require that Washington Avenue be raised, that Heritage Green Parkway be a through street with no turns from Washington Avenue onto Heritage Green Parkway and no turns from Heritage Green Parkway onto Washington Avenue. It was noted that emergency vehicles would still be able to make turns at the intersection. Ms. Page advised that they investigated this elevated railroad crossing at the Town's request, and that they would need significant cost participation by the Town. Mr. Lapas proposed that they be allowed to go off-site to Rosewick Road and provide a right-of-way for this to be done in the future if it becomes viable.

Following a brief discussion, Mayor Eckman thanked the presenters and noted that the Town Council and Planning Commission will discuss the information.

Public Hearing

Resolution 05-1 Grasso Annexation – 31.5 Acres - For the purpose of authorizing the annexation of 31.5 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 31.5 acres of land, more or less, into the Town of La Plata.

Mayor Eckman opened the public hearing concerning Resolution 05-1 Grasso Annexation – 31.5 Acres. Mr. Miller entered the following documents into the record (1) Certification of Publication confirming the hearing notice was advertised in the February 9, February 16, February 23 and March 2, 2005 editions of the Maryland Independent; (2) Affidavit from the Grasso Family Trust that a sign was posted on the property on March 1, 2005 giving notice of the time and place of the public hearing; (3) Memorandum dated March 2, 2005 from the Planning Commission to the Town Council regarding their zoning recommendation of R-21 Residential on the Grasso Annexation property; and (4) Letter dated February 28, 2005 from Stephen H. Scott, on behalf of the Chapman Family, to the Mayor, Town Council and the Planning Commission. Mr. Miller acknowledged the letter dated March 14, 2005 from the County Commissioners to Mayor Eckman, in which they state they support the annexation and caution the Town regarding additional sewer demands on the wastewater treatment plant's capacity.

The petitioner, Louis Grasso, 9789 Charles Street, expressed his belief that they have satisfied everyone's concerns, noting they solicited the neighbors' comments and addressed them. Mr. Grasso thanked the Town for their help during the process and asked for support of his petition to annex.

Paul Summers, of P. F. Summers, displayed a plat of the property and noted the historical significance of the property being part of the original estate from which La Plata was created. Mr. Summers explained that the current County zoning is RR, that they are asking for the Town's R-21

zoning, and that they wish to subdivide 20 lots, with an out parcel for the existing home, which will generate revenue to restore the Ellenwood house. Mr. Summers also noted that the emergency vehicle access connection to E. Patuxent Drive would have some form of collapsible barriers to discourage use by others. Mr. Summers described the landscaping and buffering, noting they propose to plant screening along the Clarks Run yards. He pointed out that due to the slope in that area, the trees would never grow tall enough to block the view if they're not planted on the up side of the slope along the Clarks Run yards.

Mayor Eckman invited questions from the Council. Councilman Ambrogio questioned the current condition of the existing house and asked if a structural engineer has made a report on the condition of the house. Mr. Summers advised that Mr. Grasso has a written report, which will be shared with the Town Council.

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

Gary Echols, 806 Severn Drive, reminded the Council that he had previously urged the Council to provide for more public access and expressed concern that copies of the draft annexation agreement had not been provided in a more timely manner to allow for public review, and that the timing of the petition schedule dates makes it appear to be on the "fast track." He also expressed concern about the impact on the Town and staff by taking on another project when so many other projects are currently in the works. Mr. Echols also expressed concern that the introduction of the petition by the Council makes it appear they are in favor of it, but apologized after Mayor Eckman advised him that normal procedures require certain steps be taken, but this does not commit the Council to approval.

John Hartline, 11 Quailwood Parkway, expressed concern regarding the impact on the wastewater treatment plant and noted he objects to anymore development until a study is done on the erosion caused by the plant.

Diane Goodrich, Clarks Run resident, agreed that there is a problem with the wastewater treatment plant and questioned whether the Town has the land and the money to build additional modules. Ms. Goodrich also said there are low water pressure problems in Clarks Run.

Burkey Boggs, Clarks Run resident, advised that the Clarks Run Citizens Association had some opportunities for input in the annexation agreement and asked for a copy of the recently received draft annexation agreement to share with the Association committee, to assure that Clarks Run residents' comments are included.

Vic Newman, Clarks Run resident, noted that Clarks Run residents' have input in the annexation agreement if it is annexed, not if it is developed under the County's jurisdiction.

Councilman Ambrogio displayed a video of news reports of the tornado damage, which included the Grasso property damage. Councilman noted the condemned sign displayed on the house and requested verification of the structural integrity of the house. Mr. Grasso advised he would supply the report.

In response to Councilman Ambrogio and Back, Mr. Summers explained that he is the contract purchaser of the 20 lots, not the parent tract.

Councilman Hale explained that the Town Council's concern has been directed to the impact on the people most affected by the annexation, the residents of Clarks Run, and that they had provided feedback on their concerns and what they wanted if this property was annexed.

In closing comments, Mr. Summers acknowledged he had not seen the current draft of the annexation agreement and has not discussed it with the Town or the Town Attorney. He advised that a copy of the structural integrity report will be provided to the Town. He also noted that if the property is not annexed, current County zoning would allow for 30 lots, but would provide the Town a level of control if it is annexed.

Willie Chin, Clarks Run resident, advised that the annexation agreement had his and his wife's names on it but there were changes in it he had never seen. He also questioned the lack of insurance on the property.

There being no other speakers, no further remarks by the petitioner, and no further discussion by the Town Council, Mayor Eckman closed the hearing.

Legislation

Resolution 05-5 Reimbursement from Maryland Department of Environment Funds (For adoption) – For the purpose of reaffirming and declaring the Town of La Plata's notice of official intent to reimburse to itself money expended for construction, equipment, land and professional services for the evaluation and repair of the sewer collection system from proceeds of a loan by the Maryland Department of the Environment; and all matters relating to said reimbursement.

Mr. Miller briefly explained that Bond counsel asked the Town to adopt this resolution to restate the Town's intentions regarding reimbursement.

Councilman Hale made a motion to adopt Resolution 05-5. Councilman Winkler seconded the motion and it passed by unanimous vote.

Unfinished Business

Council reports

Councilman Winkler advised that a link to the La Plata Business Association will be put on the Town's web page.

Councilman Ambrogio reported on topics discussed at the last Kent Avenue Neighborhood Partnership meeting. Councilman Ambrogio also reported that the Beautification Commission is working on landscaping for the train station, getting plaques recognizing the Oak Avenue tree

replanting project, and has adopted a list of approved trees which will go to the Town Council for approval. Councilman Ambrogio noted that the DNR grant must be finalized by September.

Councilman Back reported on topics discussed at the last Parks and Recreation Commission meeting, and noted he would provide a final report when it is available regarding the meeting held March 21 at Redwood Lake. In attendance were members of the Commission, Town Public Works, and Bob Ansell.

Councilman Hale had no report on the Planning Commission, which meets next on April 5.

New Business

Report and recommendation of Planning Commission regarding Traditional Neighborhood Development (TND) request – Parcels 1 and 2, Steeplechase Subdivision

Cathy Flerlage, Director of Planning and Zoning, presented the report of the Planning Commission and their recommendation that the Town Council approve the requested TND designation for Parcels 1 and 2 of Steeplechase Subdivision.

Following a brief discussion, the Council agreed to schedule a public hearing to be held on this request on April 26.

Reappointment of Claire Mower to Board of Supervisors of Elections

Mayor Eckman recommended that Claire Mower be reappointed to another 4-year term on the Town's Board of Supervisors of Elections and asked for a motion to approve the appointment. Councilman Winkler made a motion to approve the reappointment of Ms. Mower to the Board of Supervisors of Elections. Councilman Ambrogio seconded the motion and it passed by unanimous vote.

Public Forum

Councilman Winkler advised he would meet with Clarks Run residents and that his vote on the Grasso annexation petition would be based on what those residents want.

Mr. Echols questioned whether the Grasso property would pass perc tests and support 1-acre lots if built under the County's jurisdiction.

Constance Snyder, Clarks Run resident, remarked that there is a problem now on E. Patuxent Drive with traffic and speeding vehicles, and that they do not need another 45 to 50 cars coming from the Grasso property onto E. Patuxent Drive.

Donna Wilson, Clarks Run resident, agreed there is already too much traffic. Ms. Wilson also noted that the road in front of her property needs to be repaired and asked if there is a plan for road

upkeep. Mayor Eckman explained that the Town reviews roads annually and that the money is spent on those most in need of repairs.

Burkey Boggs, Clarks Run resident, asked if there would be a comment period after the hearing. Mr. Miller invited him to the work session on April 5, and noted that the Town Attorney had been delayed in the preparation of the annexation agreement due to title issues.

In response to Vic Newman's question, Mr. Miller advised that the Town would put the annexation agreement on the Town's web page.

Councilman Back encouraged the public be involved and to come to all meetings, which are all open to the public.

Councilman Ambrogio explained he had shown the video of news reports of the tornado damage for the Town Council to see the Grasso house and not to offend Mr. Grasso.

There being no further business, Councilman Winkler made a motion to adjourn at 8:49 PM. Councilman Hale seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk