

Council of the Town of La Plata  
Town Hall, La Plata, Maryland  
April 22, 2003, 7:00 PM

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

Guests: (See attached 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 March 31, 2003.

#### Petitions, Communications and Appearances

Mike Chopp, 843 Laurel Lane, presented the results of a study he performed regarding the amount and cost of trash pick-up at his home (copies provided). He said that his trash pick-up costs averaged \$460/ton based on the amount of trash picked up and the fee charged by the Town. He asked for relief from this expense by way of purchasing trash bags from the Town, with the price of the bags to include the pick-up service fee. He suggested that the bags be sold in 10 bag bundles at a price of \$2.00 per bag, which he said would provide for an average of \$200/ton. During the discussion on this topic, it was noted that the Town's trash pick-up rate includes the costs of paying the County's landfill tipping fees, equipment, and employees. It was noted that the Town would look into Mr. Chopp's suggestion and will check with other municipalities.

#### Public Hearing

Resolution 03-1 Wawa Annexation - 8.774 Acres - For the purpose of authorizing the annexation of 8.774 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 8.774 acres of land, more or less, into the Town of La Plata.

Mayor Eckman opened the public hearing concerning Resolution 03-1 Wawa Annexation - 8.744 Acres. Mr. Miller entered into the record the certification of publication that the hearing had been properly advertised in the March 14, March 21, March 28, and April 4, 2003, editions of the Maryland Independent. Ms. Bembe advised that the Town has received a favorable response from the county government but has not yet received a response from the state government.

Thomas F. Mudd, attorney for the applicant, advised that during his presentation he would call on two witnesses: Bruce Rice, representative of Wawa, and David Cooksey, Loiederman Soltesz Associates.

Bruce Rice, Regional Real Estate Manager for Wawa, Inc., P.O. Box 448, Riderwood, Maryland 21139, described his duties to include location of sites in Maryland, entering into contracts for those sites, and following development through the permit process to construction. Mr. Rice advised that in the time since Wawa filed the petition to annex, an error occurred that caused both of their parcels to be deeded to Realty Income Corporation. The parcels are to be re-deeded so that Realty Income will own and lease back

to Wawa the parcel on which Wawa is built (3.9 ac.), and Wawa will own the undeveloped adjacent lot (1.57 ac.). Wawa plans to sell the undeveloped adjacent lot. Realty Income was informed of and is in agreement with the pending annexation. Mr. Mudd entered into the record Exhibit #1: Consent to Annexation Petition and Agreement to be Bound by Terms and Conditions of Annexation Agreement.

Mr. Rice advised that the Wawa improvements have been in place for one year, and described the Wawa building to be 4700 sq. ft., with 16 fuel positions and 50 parking spaces. They are a 24-hour operation and their grounds are well lit and they have security cameras. They wish to be annexed and receive Town water and sewer.

Mr. Rice advised that in Wawa's previous discussions with the Town, they agreed to certain items requested by the Town: installation of the sidewalk along the front, modification of the landscape plan, and installation of electric conduits for a message sign the Town plans to have installed, which will be paid for by Wawa. Mr. Rice described benefits to the Town derived from this annexation to include: tax income from the sales, sewer fees per e.d.u., contribution to General Fund of \$200.00 per parking space required, community involvement, quality and price of their product, and tax revenues.

David Cooksey, General Manager and Vice President of Loiederman Soltesz Associates, a civil engineering firm, 401 Post Office Road, Waldorf, Maryland, advised his firm prepared the annexation report and two exhibits. Mr. Mudd entered into the record Exhibit #2: Proposed Town Limit Exhibit - La Plata Wawa; Sheet 1 of 1, dated January 2003, and Exhibit #3: Proposed Water and Sewer Routing Exhibit - La Plata Wawa; Sheet 1 of 1, dated January 2003.

Mr. Cooksey displayed the Proposed Town Limit Exhibit and described the property and the requested Commercial Highway zoning. Mr. Cooksey described the ingress/egress as right in/right out shared with the property to the north of Wawa, and noted that the main access drive as at the traffic signal. Mr. Cooksey advised that Wawa currently has a private well and a wastewater holding tank on-site. Mr. Cooksey displayed the Proposed Water and Sewer Routing Exhibit, and described the proposed locations for the sewer line and for the water line.

Mr. Cooksey advised that this annexation is consistent with both the Charles County and Town of La Plata comprehensive plans.

During the discussion which followed, it was noted that the rear of the property is sloped and contains a number of trees. Mr. Rice and Mr. Cooksey advised that the Planning Commission made note of this at their public hearing and have recommended that the annexation agreement include that the existing 75' buffer be maintained. In response to a question posed by the Council, Mr. Rice advised that they have received calls from potential buyers of the 1.57 ac. parcel, but that no sale has been concluded.

Mr. Mudd entered into the record Exhibit #4: two pictures of the signs posted on the subject property advising of the public hearing. The backs of the pictures are marked "4/8/03 J. F. Mudd."

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

Jim Goldsmith, 805 Washington Avenue, questioned the benefit to the Town of annexing this property. He remarked that Wawa would receive a "windfall" in the sale of the vacant lot after it is annexed into the Town.

Mr. Miller entered into the record the motion of the Planning Commission adopted at their meeting on April 1, 2003: Recommend to the Town Council that the property be zoned Commercial Highway and that the Town Council include in the annexation agreement that the existing 75' buffer at the rear of the property be maintained.

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

Ordinance 03-1 Parking Requirements in the C-B Central Business District and C-H Commercial Highway District (For Adoption) - For the purpose of amending off-street and off-lot parking requirements in the C-B Central Business District and C-H Commercial Highway District, subject to certain conditions; specifying the conditions under which those off-street and off-lot parking spaces may be allowed in the Central Business District and Commercial Highway District zones; and all matters generally relating to said parking requirements.

Councilman Winkler made a motion to adopt Ordinance 03-1 Parking Requirements in the C-B Central Business District and C-H Commercial Highway District. Councilman Hale seconded the motion. In discussion before the vote on this motion, Mayor Eckman acknowledged there were two amendments proposed to this ordinance. Mr. Miller read and described Amendment No. 1 and Amendment No. 2. Councilman Hale made a motion to adopt Amendment No. 1 and Amendment No. 2 to Ordinance 03-1. Councilman Fritz seconded the motion to adopt the amendments and the motion passed by unanimous vote. Mayor Eckman called for a vote on the open motion to adopt Ordinance 03-1 as amended. The motion to adopt Ordinance 03-1 as amended passed by unanimous vote.

### Unfinished Business

#### Council Reports

Councilman Ambrogio reported that the Kent Avenue Revitalization Committee held another community clean-up day on April 12. One hundred surveys were filled out and returned, and shrubs and mulch were distributed to participants. The new name of the community will be announced soon. The next meeting of this committee is scheduled for May 7. Councilman Ambrogio was unable to provide a Beautification Commission report as their meeting scheduled for April 21 had been cancelled.

Councilman Winkler reported that the Historic District Commission met last week, and that a representative of Maryland Historic Trust was present to explain the process to qualify for the state's 20% tax incentive money. Councilman Winkler reported that John Bales is to be nominated to fill the vacancy on the Historic District Commission due to Jack Warren's resignation. Councilman Winkler read part of a letter dated April 15, 2003, addressed to Wills Group, Inc. from Kay H. Volman, Chairman of the Charles County Historical Trust, Inc., in which they describe their displeasure and disappointment in the Shell Station built at the corner of Oak Avenue and Charles Street, and ask if anything could be done to improve the building and its canopy. Councilman Winkler pointed out that the Design Review Board did not have design guidelines adopted and in effect at the time Mr. Wills designed and constructed this building. Councilman Fritz noted his agreement regarding the comments about the Dash In and that the Design Review Board did not have design guidelines in effect at that time. Mayor Eckman noted he has received more complaints about the design of the Dash In than about any other topic.

Councilman Fritz reported that the Parks and Recreation Commission discussed the plans for Tilghman Lake at their last meeting and will be meeting again in two weeks.

In response to Councilman Winkler's question, Cheryl McGuire advised that the Design Review Board is working on sign regulations, which may take two months before they're ready. Mayor Eckman remarked that the sign regulations would become a separate section in the Town Code.

Councilman Hale reported on the planned events for the Spring Festival to be held Friday, April 25 through Monday, April 28. Mayor Eckman noted that a full page advertisement was to run in the Maryland Independent this week.

Mayor Eckman reported he had spent the past week with reporters and the news media regarding the Town's progress since the tornado.

*[Clerk's note: Councilman Ambrogio was excused to leave at 8:10 PM.]*

### New Business

#### Design Review Board funding recommendations

Three funding recommendations were forwarded by the Design Review Board to the Mayor and Council:

Pien Terry, 103 St. Mary's Avenue, \$2,000.00 (addition to the \$20,000 approved by the Town Council on January 8, 2003, due to change in contractor and added expenses)

Howard Libby, 403 Charles Street, \$24,500.00

The Carrico Building, Inc., 303 Charles Street, \$10,000.00

Councilman Fritz made a motion to approve these three funding recommendations forwarded by the Design Review Board. Councilman Winkler seconded the motion and it passed by unanimous vote.

#### Historic District Commission appointment

Mayor Eckman asked the Council to approve the appointment of John Bales to the Historic District Commission. Councilman Hale made a motion to approve the appointment. Councilman Winkler seconded the motion and it passed by unanimous vote.

#### Overlay program

Noting that Councilman Ambrogio advised he was in agreement, Councilman Fritz suggested that the Town Manager and staff be directed to proceed as soon as possible to begin an overlay program for Butternut Court, Aspen Court, Scarlet Oak Road, and Quailwood Parkway, using 2003 funding. Mayor Eckman asked for and received the Council's agreement that the Town Manager should get quotes and proceed with the overlay program.

Public Forum

Paula Winkler, co-chair of the Treescape Restoration Committee, reported that: (1) Russell Watson of Robin Hill Farm will be delivering 55 Maple trees to the Town Hall on April 24, for planting on Wicomico Street, Worcester Street, Hemlock Court, and other areas in the county; (2) Bill Kennedy of Builders Institute of America is donating 2" caliper Maple trees and American Elm (Liberty) trees, and will plant them for us; and (3) A tree plan is being worked on for Oak Avenue.

Mrs. Winkler voiced her strong objection to the removal of the trees on the site of the proposed Safeway on Crain Highway north of E. Hawthorne Drive, noting her belief that the removal of the trees was an error in judgment by the builder. Mrs. Winkler asked where was the 75' buffer along Crain Highway and the buffer between this site and the residential properties abutting it. Mrs. Winkler remarked that she had received numerous calls and e-mails from others regarding this site. She encouraged the Council to consider establishing La Plata as a Tree City USA site, with an appropriate board and ordinances to protect trees in the Town.

Mayor Eckman responded that there is no current requirement for a 75' buffer along Crain Highway. He further noted that there will be a buffer requirement in the new design guidelines, but it will not be a 75' buffer. Jim Goldsmith, whose home and property on Washington Avenue abuts the Safeway project, remarked that he can now see cars on Crain Highway, and encouraged the Town to require installation of a fence as soon as possible.

Don McGuire reported that the National Weather Service was putting on two "Skywarn" training classes on Monday, April 28: 1:00 - 4:30 PM at the Charles County Rescue Squad, and 7:00 to 10:00 PM at the Hughesville Volunteer Fire Department. Reservations are required. Councilman Fritz asked Mr. McGuire to make a presentation on tornadoes at a future Council meeting.

Councilman Winkler noted his agreement with Paula Winkler and Jim Goldsmith regarding the loss of trees at the Safeway site, noting that the Town needs to start paying a lot more attention to ecology and the environment. Mayor Eckman remarked that it seemed that the only way to keep all of the trees on property was to buy it, and noted that the Town needs to look at the possibility of using Program Open Space money for this purpose. Mrs. Winkler pointed out that if La Plata becomes a Tree City USA site with a board and ordinances, the Town could prevent this kind of tree clearing from happening in the future. She pointed out that Rockville is a Tree City USA site.

There being no further business, Councilman Winkler made a motion to adjourn at 8:30 PM. Councilman Fritz seconded the motion and it carried.

Respectfully submitted,

Judith T. Frazier  
Town Clerk