

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
September 12, 2006

Present: Mayor Gene Ambrogio, Councilman R. Wayne Winkler, Councilman C. Keith Back, Councilwoman Paretta D. Mudd, Councilman Vic E. Newman; Michelle D. Miner, Interim Town Manager; Judith T. Frazier, Town Clerk

Town staff: Frederick C. Sussman, Town Attorney; Joseph W. Norris, Town Treasurer

Pursuant to the requirement of Annotated Code of Maryland State Government Article Section 10-509(c)(2), these statements are included in these minutes:

► *A closed session of the Council of the Town of La Plata was held at 4:33 PM, Tuesday, August 15, 2006, in the La Plata Town Hall.*

Present: Mayor Ambrogio, Councilmen Winkler, Back and Newman; Michelle D. Miner, Interim Town Manager; Patricia L. Bembe, Assistant Town Manager; Judith T. Frazier, Town Clerk; Joseph W. Norris, Town Treasurer

On a motion made by Mayor Ambrogio, 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)(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 (1) conduct the performance evaluation of the Town Treasurer, (2) interview a prospective candidate for the position of Town Manager, and (3) discuss Town Manager recruitment process. Action taken: Performance evaluation: Conducted evaluation, then reviewed same with the Town Treasurer. Interviewed candidate for position of Town Manager. Discuss Town Manager recruitment process: The Town Council agreed to terms regarding salary, other employment benefits, and housing financing option and directed Ms. Bembe to contact the applicant to make the offer, with a response requested by August 22. The meeting adjourned at 6:13 PM.

► *A closed session of the Council of the Town of La Plata was held at 6:01 PM, Tuesday, September 12, 2006, in the La Plata Town Hall.*

Present: Mayor Ambrogio, Councilmen Winkler, Back Mudd, and Newman; Michelle D. Miner, Interim Town Manager; Judith T. Frazier, Town Clerk; Frederick C. Sussman, Town Attorney

On a motion made by Councilman Back, 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

Sections 10-508(a)(7) – Consult with counsel to obtain legal advice; and 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 (1) discuss property acquisition and (2) discuss Town Manager recruitment. Action taken: Discuss property acquisition: No action taken. Discuss Town Manager recruitment: The Town Council agreed on a form of contract to be presented by Ms. Miner to an applicant for the position of Town Manager.

Minutes:

Mayor Ambrogio called the meeting to order at 7:00 PM and asked Mr. and Mrs. Charles Bell to lead the Pledge of Allegiance.

Approval of August minutes

Councilman Winkler moved to approve the minutes of the August 1 special meeting and work session, August 1 closed session, August 8 regular meeting, August 10 additional work session, August 15 closed session, August 15 work session, and August 22 work 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 July 31, 2006.

Petitions, Communications, Appearances, and Public Forum

Mr. and Mrs. Charles Bell – presentation of book received from the Mayor of La Plata, Argentina

Mr. and Mrs. Bell, residents of Owings Mills, Maryland, described their travel to Argentina with Harvest Evangelism, and the work conducted by this faith-based group. They presented a book about La Plata, Argentina, which was a gift from the Mayor of La Plata, Argentina, to the Mayor of La Plata, Maryland. Mayor Ambrogio presented the Town's history book, "La Plata, Maryland 1888-1988, 100 Years The Heart of Charles County", and Town hats to Mr. and Mrs. Bell.

Henry J. Stehr – regarding Town acquisition by eminent domain of property owned by Henry J. Stehr and Anita S. Gibson, for the purpose of construction of Heritage Green Parkway

Mr. Stehr spoke about the amount of property which would be taken for an easement, noting his belief that the \$50,000 offered is too low, and further noting his belief that the grading easement will take away use of the remaining property. In response to a question from Mayor Ambrogio, Mr. Stehr acknowledged he did not have a property appraisal to substantiate his request for \$100,000 for the property.

Legislation

Resolution 06-8 (For Adoption) - A Resolution authorizing the acquisition of certain property owned by Henry J. Stehr and Anita S. Gibson by eminent domain for the purposes of the construction of Heritage Green Parkway; determining that acquisition of such property for the construction of Heritage Green Parkway is for a public purpose; and matters relating generally thereto.

Councilman Winkler moved to adopt Resolution 06-8. Councilman Newman seconded the motion. In discussion prior to the vote, it was noted that the apparent shift into the Stehr property for the road was due to its alignment with existing Willow Lane, and that the road cannot be moved over due to the location of the new pumping station. Vote on the motion: the motion passed by unanimous vote.

Ordinance 06-21 Major Facilities Fees in the Old Town Utility District (For Adoption) – For the purpose of revising the exemption to the application of the Town’s Major Facilities Fee on properties located in the Old Town Utility District; providing for the use of monies currently in the Town’s Major Facilities Fund and revenues to be contributed to the fund on and after a certain date; providing for the severability of the provisions of this Ordinance; and all matters generally related to the Town’s Major Facilities Fee.

Councilman Winkler moved to adopt Ordinance 06-21. Councilman Newman seconded the motion and it passed by unanimous vote.

Mayor Ambrogio introduced the following legislation:

Ordinance 06-22 Regulation of Smoking and Tobacco Products – Private Clubs (For Introduction) – For the purpose of defining certain terms; exempting private clubs from certain prohibitions against smoking or carrying lighted tobacco products under certain circumstances; and all matters generally related thereto.

Ordinance 06-23 Amendment to Town of La Plata Infrastructure Bonds, 2006 Series A (For Introduction) – For the purpose of amending the list of projects, as contained in Emergency Ordinance 06-1, to be financed in whole or in part by the issuance and sale of “The Town of La Plata, Maryland Infrastructure Bonds, 2006 Series A”, issued and sold pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended.

Ordinance 06-24 Election Laws Revision (For Introduction) – For the purpose of revising the Town’s election laws to eliminate a requirement that voters provide certain types of identification at the polls before being allowed to vote in Town elections and by allowing persons to cast a provisional ballot in certain circumstances; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance 06-25 Elections – Certificate of Nomination (For Introduction) – For the purpose of altering to conform with the Town Charter the date by which a candidate for election to Town office must file a certificate of nomination; providing a date by which the Board of Supervisors of Elections shall make available forms and other materials necessary for candidates to file certificates of nomination for election

to Town office; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance 06-26 Automatic Fire Sprinkler Systems – One- and Two-Family Dwellings (For Introduction) – For the purpose of requiring the installing of certain automatic fire sprinkler systems in certain new one- and two-family dwellings; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Resolution 06-2 Charter Amendment – Elections (For Introduction) – For the purpose of amending the Charter of the Town of La Plata to alter the dates upon which certificates of nominations must be filed and when Town primary elections are conducted; clarifying the composition and altering the process for appointment of the Town’s Board of Supervisors of Elections; altering the circumstances when a primary election must be conducted; reassigning certain electoral process duties and responsibilities formerly assigned to the Clerk-Treasurer; eliminating staggered terms of office for members of the Town Council commencing in 2009 and providing a certain term of office for members of the Council elected in 2007; providing that members of the Town Council from each Councilmanic ward shall be elected by the qualified voters of the entire Town; altering the process for filling vacancies in the offices of Mayor and members of the Town Council; altering the process for appeals from certain decisions of the Board of Supervisors of Elections and Town Council; altering the time for conducting a referendum election following the filing a recall petition; authorizing the Town Council to enact ordinances to regulate campaign finance and reporting for Town elections; making certain clarifying and stylistic changes; repealing certain obsolete provisions; and all matters generally relating to the process of conducting elections and terms of office of the Mayor and members of the Town Council in the Town of La Plata.

Unfinished Business

Councilwoman Mudd asked for status reports on several items, and noted she still wanted to increase the parking along La Grange Avenue:

Repair of railroad crossing on Charles Street: Greg Welker of SHA advised Mayor Ambrogio they hope to have the tracks repaired this week.

Drainage behind Town Hall, landscaping at Town Hall and La Grange Avenue: Ms. Miner advised that a Request for Proposals is needed for landscaping at Town Hall and La Grange Avenue, which process will take approximately 6 to 9 weeks; however, Ms. Miner further noted that prices are being requested from Dennison to at least plant grass. Ms. Miner advised that the Council will have to suspend regular bidding procedures if they wish to accept a quote from Dennison for planting grass.

Queen Victoria sidewalk repair: Money has been included in the budget for this.

Street lights in need of repair on La Grange Avenue, Maple Avenue, and Centennial Street: When it is reported that street lights are out, requests are made to SMECO to repair them.

Councilman Newman asked to see the list of roads included in the paving schedule.

Councilwoman Mudd reported that a resident of Prince Georges Street told her that the street was dug up for utility line work to Edelen Station and that the street needs to be repaved.

New Business

Price quote from Civil Construction to add 1' paving on east side of St. Mary's Avenue

Ms. Miner reported that a revised price quote was received today from Civil Construction, in the amount of \$18,975.00. She noted that the decrease was due to the Town conducting part of the work and due to Civil Construction erroneously including in the quote removal of Queen Victoria Street sidewalk.

Mayor Ambrogio moved to suspend regular bidding procedures pursuant to Section 43-5 of the Town Code, for the purpose of accepting the price quote in the amount of \$18,975.00 from Civil Construction to add 1' of paving to the east side of St. Mary's Avenue, from Queen Victoria Street to Queen Anne Street. Councilman Newman seconded the motion. Following discussion, the motion passed by unanimous vote.

Mayor Ambrogio moved to accept the price quote from Civil Construction in the amount of \$18,975.00, to add 1' of paving to the east side of St. Mary's Avenue, from Queen Victoria Street to Queen Anne Street. Councilman Newman seconded the motion and it passed by unanimous vote.

Commission reports

Councilman Back reported on topics discussed at the September 5 Planning Commission meeting.

Mayor Ambrogio reported that the Friday, September 8 concert was the last of this year's concert series and that there are two more Saturday evening Movies on the Green.

There being no further business, Mayor Ambrogio moved to adjourn at 7:42 PM. Councilman Back seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk