

Council of the Town of La Plata  
Town Hall, La Plata, Maryland  
Regular Meeting  
February 8, 2005, 7:00 PM

Present: Councilman Roy G. Hale, mayor pro tem, Councilman Wayne Winkler, Councilman C. Keith Back, Councilman Gene Ambrogio; Douglas R. Miller, Town Manager; Judith T. Frazier, Town Clerk

Town staff: Patricia L. Bembe, Assistant Town Manager; 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 6:05 PM, Tuesday, February 1, 2005, in the La Plata Town Hall.*

*Present: Mayor Eckman, Councilmen Winkler, Back, Ambrogio and Hale; Douglas R. Miller, Town Manager.*

*On a motion made by Councilman Back, seconded by Councilman Hale, 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)(2): Protect the privacy or reputation of individuals with respect to a matter that is not related to public business. The purpose of the meeting was to discuss what Council meeting items to discuss and how to discuss them. No action was taken. The meeting adjourned at 6:20 PM.*

Minutes:

Due to the absence of Mayor Eckman, Councilman Hale acted as mayor pro tem. Councilman Hale called the meeting to order at 7:00 PM and explained that Mayor Eckman was absent due to having to take certain tests in preparation for his upcoming surgery. Councilman Hale then led the Pledge of Allegiance.

#### Approval of January minutes

Councilman Winkler made a motion to approve the minutes of the January 4, 2005 work session, January 10, 2005 special meeting, January 11, 2005 regular meeting, January 18, 2005 special meeting and work session, and January 25, 2005 regular meeting. Councilman Ambrogio seconded the motion and it passed by unanimous vote.

#### Petitions, Communications and Appearances (none)

#### Legislation

Ordinance 05-1 School Seat Allocation Policy (For Adoption) – For the purpose of establishing a policy, a methodology and a process for the Town to determine and allocate available school seats in the Charles County Public Schools; prohibiting the approval of certain final plats of subdivision unless sufficient school seats are available for allocation to the proposed subdivision in accordance with the allocation policy and process; requiring as a condition of approval and issuance of a building permit for a residential dwelling unless sufficient school seats are available for allocation to the proposed dwelling in accordance with the allocation policy and process; providing certain exemptions from the requirements of this Ordinance; providing appeals from certain determinations and decisions relating to the allocation of school seats; establishing a temporary moratorium on the approval of final plats of subdivision and the issuance of certain residential building permits; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Mr. Miller briefly explained Ordinance 05-1 and noted that until late this afternoon he had received no response to the letters sent to the development community. He noted that some representatives of the development community were present at the meeting. There being no objection by the Town Council, the floor was opened to any who cared to speak.

R. J. Earnshaw asked for and received clarification regarding the number of lots he would be allowed to build on per year and the process for purchasing school seats. Mr. Earnshaw expressed concern that the language in the ordinance made it difficult to determine what he will be allocated each year.

Ron Jeffcott, 126 Blue Jay Court, voiced his appreciation for the Town addressing the school seat issue.

Gary Echols, 806 Severn Drive, pointed out he believed it would be helpful for developers to see what school seats are generated by the types of dwelling units, and said he believes that current developers should have preferential treatment.

Following this discussion, Councilman Winkler made a motion to adopt Ordinance 05-1. Councilman Back seconded the motion. In discussion prior to the vote, Councilman Ambrogio stated he believed this ordinance was to be discussed at a work session and acted on at another regular meeting. It was pointed out that if there were no substantial changes required at this time, the ordinance could be adopted and then amended as necessary at a future meeting. It was suggested that GP Homes comments could be sent tomorrow to the Town Attorney for possible amendment. Vote on the motion: the motion passed by unanimous vote.

Ordinance 05-2 Election Ward Boundaries Map Update (For Adoption) – For the purpose of updating the Election Ward Boundaries Map to include within certain councilmanic wards those properties annexed into the Town known as the “Wawa Annexation – 8.774 Acres” and “McPhee Annexation – 23.62 Acres”; and matters generally relating to the updating of the Election Ward Boundaries Map.

Mr. Miller briefly explained Ordinance 05-2.

Councilman Ambrogio made a motion to adopt Ordinance 05-2. Councilman Winkler seconded the motion and it passed by unanimous vote.

Resolution 05-2 American Legion Annexation – 41.51 Acres (For Introduction) – For the purpose of authorizing the annexation of 41.51 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 41.51 acres of land, more or less, into the Town of La Plata.

Councilman Hale noted that this Resolution was only on the agenda for introduction. Mr. Miller advised that hearings would be held by the Planning Commission and the Town Council in March and April.

#### Unfinished Business

##### Council reports

Councilman Back had no further report from the Parks and Recreation Commission, which meets next on February 9.

Councilman Winkler reported that there were ten new members in the La Plata Business Association, which meets next in March.

Councilman Hale reported on topics discussed at the February 1 Planning Commission meeting.

#### New Business

##### Budget amendments and transfers

Mr. Norris advised that the budget amendments and transfers were as discussed at the work session and were presented for formal action.

Councilman Winkler made a motion to amend the FY 05 Budget – General Fund as outlined in the document labeled “Budget Amendments and Transfers: General Fund, Water and Sewer Fund”, dated February 8, 2005, by

(1) adding to or increasing the spending authority for the following items in the general fund:

- \$8,500 – Audit and GASB Compliance
- \$54,000 – General Insurance
- \$1,902,000 – Capital Improvements Town Hall
- \$65,000 – Moving, moving and reinstalling phones,

computers, copier, furniture, miscellaneous

\$13,000 – Install Sirens

\$19,000 – Purchase Kubota Tractor;

(2) designating \$31,750 of Fund Balance as reserved for Offsite Transportation Improvements; and

(3) transferring \$10,000 from Salaries in Planning to Salaries Finance Administration.

Councilman Back seconded the motion and it passed by unanimous vote.

Councilman Winkler made a motion to amend the FY 05 Budget – Water and Sewer Fund as outlined in the document labeled “Budget Amendments and Transfers: General Fund, Water and Sewer Fund”, dated February 8, 2005, by adding to or increasing the spending authority for the following items in the water and sewer fund:

\$210,000 – I & I

\$448,000 – Sewer Extension Southwest Quadrant

\$338,000 – Capital Outlay Belt Filter Press

Councilman Ambrogio seconded the motion and it passed by unanimous vote.

#### Public Forum

Burkey Boggs thanked the Town Council for moving the gazebo to Redwood Lake.

Lois Page, GP Homes/developers of Heritage Green, asked for and received clarification about items in the School Seats Allocation Policy ordinance, questioning in particular the inclusion of the Board of Education as a party to the process.

In response to Councilman Winkler, Mr. Miller provided a brief update on the status of the Police Station project re-bid, noting that the Town Council could review the bid at the next work session to confirm that all comments have been included.

Councilman Ambrogio provided a brief update on the Town’s attempts to obtain repairs to the railroad crossing on Charles Street. Mr. Miller advised that CSX may still wait until 2006 to make the repairs.

In response to Gary Echols, Mr. Miller provided the following information: (1) There are no plans for any additional sidewalk on Queen Anne Street; (2) The Town anticipates seeing in a week input from Facchina regarding the St. Mary’s Avenue project, after which the Town Council may approve the final design for bid, with anticipated completion by the end of this fiscal year; and (3) Regarding the pending annexation, the Town is required to introduce the resolution as part of the petitioner’s right of due process. Mr. Echols suggested that more provisions should be made to provide to residents more information about annexations and annexation agreements.

Motion for Closed Session

Councilman Winkler made a motion to conduct a closed session immediately following this meeting, pursuant to *Annotated Code of Maryland* Section 10-508(a)(8) – Consult with staff, consultants, or other individuals about pending or potential litigation. Councilman Back seconded the motion. Roll call vote: Councilmen Winkler, Back, Ambrogio and Hale voted aye. The motion passed by unanimous vote.

There being no further business, Councilman Winkler made a motion to adjourn at 7:50 PM. Councilman Back seconded the motion and it carried.

Submitted by:

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Judith T. Frazier  
Town Clerk

**“Budget Amendments and Transfers:  
General Fund, Water and Sewer Fund”  
February 8, 2005**

**BUDGET AMENDMENTS AND TRANSFERS**

**GENERAL FUND**

Please amend the budget by adding to or increasing the spending authority for the following items in the general fund:

\$8,500 – Audit and GASB Compliance

\$54,000 – General Insurance

\$1,902,000 – Capital Improvements Town Hall

\$65,000 – Moving, moving and reinstalling phones, computers, copier, Furniture, Misc.

\$13,000 – Install Sirens

\$19,000 – Purchase Kubota Tractor

Please designate \$31,750 of Fund Balance as reserved for Offsite Transportation Improvements.

Please transfer \$10,000 from Salaries in Planning to Salaries Finance Administration.

**WATER AND SEWER FUND**

Please amend the budget by adding to or increasing the spending authority for the following items in the water and sewer fund.

\$210,000 – I & I

\$448,000 – Sewer Extension Southwest Quadrant

\$338,000 – Capital Outlay Belt Filter Press