

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
September 13, 2005

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

Town staff: Patricia L. Bembe, Assistant Town Manager; Joseph W. Norris, Town Treasurer; Cathy Flerlage, Director of Planning and Zoning; B. Gayle Curry, Administrative Assistant; Steven F. Schroeder, Project Manager; D/Sgt. William P. Brooks, La Plata Police Department

Minutes:

Mayor Ambrogio called the meeting to order at 7:00 PM and asked Eagle Scout Ben Yeckley to lead the Pledge of Allegiance.

Approval of August minutes

Councilman Winkler made a motion to approve the minutes of the August 9, 2005 regular meeting, August 9, 2005 closed session and continuations of that closed session on August 16 and August 23, 2005, August 16, 2005 work session, and August 23, 2005 regular meeting. Councilman Newman seconded the motion. In discussion before the vote, Councilman Winkler expressed appreciation for the work done by the Town Clerk. Vote on the motion: passed by unanimous vote.

Petitions, Communications and Appearances

Ben Yeckley, Eagle Scout – Troop 1321, presentation of plaques to people who helped with his Eagle Scout project at Tilghman Lake, and presentation of three flags to the Town

Ben Yeckley briefly described the Eagle Scout project he planned and implemented at Tilghman Lake, thanked his father and his Troop Scout Master, Glenn Belmore, and presented plaques for Lowery Cress, Facchina Company, Michelle Miner, and Steve Schroeder. He also presented three cased flags to Mayor Ambrogio. It was noted that the United States flag had flown over the Capitol.

Unfinished Business

St. Mary's Avenue Streetscape

Mr. Miller provided a brief update, noting that two bids had been received. Facchina submitted a bid of \$659,000 and Civil Construction submitted a bid of about \$289,000 (plus \$30,000 for additional work.) Mr. Miller explained that motions were needed to appropriate the

money and award the bid in order to begin this work in the fall of 2005. He further explained that the money would either be borrowed privately or from the Maryland infrastructure program.

Councilman Winkler made a motion to appropriate \$320,000 for the St. Mary's Avenue Streetscape project. Councilman Newman seconded the motion. In discussion before the vote, the Council discussed the request by Gore Bolton to delay the project in order to underground utility lines. Concern was expressed that delaying the project could result in increased prices for the work. Concern was also expressed regarding the disparity between the bid amounts.

The Council agreed to allow Gore Bolton to speak regarding underground utility lines. Mr. Bolton explained that Verizon needed the Town's permission so they may begin the process of designing the project and providing cost information. He also pointed out that going ahead with the streetscape project would result in damage to the road in the commercial area due to the construction trucks that are still there due to continued commercial development. He suggested that if the Town proceeded with the streetscape project, they stipulate that their contractor has to coordinate regarding the utilities. He asked for the Town's cooperation and support, noted that business owners would have to decide whether they wished to proceed after Verizon provides the cost information, and advised he would take the lead in notifying and holding meetings with the business owners.

Roll call vote on the motion to appropriate \$320,000 for the St. Mary's Avenue Streetscape Project: Mayor Ambrogio, Councilmen Winkler, Back, Mudd and Newman voted aye. The motion passed by unanimous vote.

Councilman Winkler made a motion to award the bid to Civil Construction in the amount of \$288,600. Councilman Back seconded the motion. Roll call vote: Mayor Ambrogio, Councilmen Winkler, Back, Mudd and Newman voted nay. The motion failed.

Legislation

Ordinance 05-13 Revision to Sediment Control Plan and Forest Harvest Operation Plan review fees (For Adoption) – For the purpose of approving and adopting the revised fee schedule set by the Charles Soil Conservation District Board of Supervisors for Erosion and Sediment Control Plan and Forest Harvest Operation Plan review fees; and all matters generally relating thereto.

Mr. Miller briefly explained the purpose of Ordinance 05-13, noting that SCD does our plan review and has adjusted their fees, and recommended adoption of Ordinance 05-13.

Councilman Back made a motion to adopt Ordinance 05-13. Councilman Newman seconded the motion. In discussion before the vote, Councilman Winkler asked if the Town enjoyed the same relationship with SCD as when Pete Cruikshank was there. Mr. Miller noted it was impossible to replace Pete Cruikshank but that the Town works well with the current staff. Vote on the motion: passed by unanimous vote.

Ordinance 05-14 Design Review Board Membership and Procedures (For Adoption) – For the purpose of increasing the number of members of the Design Review Board by providing for the addition of a member of the Town Council; amending procedures for applications; and all matters generally relating thereto.

Mr. Miller briefly explained the purpose of Ordinance 05-14.

Councilman Winkler made a motion to adopt Ordinance 05-14. Councilman Back seconded the motion. In discussion before the vote, Councilman Back noted that the Council should have had a member on the Design Review Board in the past to interface with the Board. Vote on the motion: passed by unanimous vote.

Public hearing

Traditional Neighborhood Development (TND) designation request by Somerset Stagecoach, LLC for Traditional Neighborhood Development (TND) designation on Parcel 1, Parcel 2 and Parcel 3 of Stagecoach Crossing

Mayor Ambrogio called the hearing to order. Mr. Miller entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the August 24, 2005, edition of the Maryland Independent newspaper. Mr. Miller briefly explained the TND request by Somerset Stagecoach and noted that if the Town Council grants the designation, it will go back to the Planning Commission for the site development process. It was noted that the Planning Commission's recommendation to grant had been provided at the Town Council's August 9, 2005 meeting.

David Hruda, of Somerset, provided a PowerPoint presentation and described how their request for TND has met the criteria for granting that designation.

During the discussion which followed, the water impoundment area was discussed. Mr. Miller advised that one of the key reasons this property was annexed was the existence of a ravine which the Town believed could be converted to a water impoundment site. He noted that the property was zoned R-21, with the potential for 300 to 400 lots, and further noted that it may no longer be possible. As part of the annexation agreement, the Town needs to take action to avoid impeding the development if the water impoundment site is not achievable. Ms. Flerlage advised that the annexation agreement provides that the Town must act by June 30, 2007 or the property reconveys to the owner. Councilman Newman advised he wished to take the lead on meeting with the developers of large properties to discuss water issues. Mr. Hruda advised that Somerset is meeting with the Steeplechase and Heritage Green owners regarding this and other issues. Councilman Newman advised he would like to attend.

Mayor Ambrogio asked if anyone in the audience wished to speak regarding the TND designation request.

Mike Runfola, 113 Morris Drive, expressed concern regarding the water supply issue and stated he believed the Town should devise a plan to address the water supply before this project moves forward.

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

New Business

Appropriation: Lawlor property

Mr. Miller explained that a motion was needed to appropriate money from off-site road improvements fund balance to purchase the Lawlor property in order to widen N. Oak Avenue and get a traffic signal at that intersection.

Councilwoman Mudd made a motion to appropriate up to \$130,000 from off-site road improvement fund balance. Councilman Back seconded the motion. In discussion before the vote, Councilman Winkler suggested that the amount be increased to provide for funding for removal of the building. Councilman Winkler motioned to amend the motion to appropriate up to \$140,000. Councilwoman Mudd seconded. Vote on the amendment to the motion: passed by unanimous vote. Vote on the amended motion to appropriate up to \$140,000 from off-site road improvement fund balance: passed by unanimous vote.

Appointments (Design Review Board)

Mayor Ambrogio recommended that Councilwoman Mudd be appointed to the Design Review Board as ex officio member. Councilman Winkler made a motion to approve the appointment. Councilman Newman seconded and the motion passed by unanimous vote.

Commission Reports

Councilman Winkler reported that he, Mr. Miller and Ms. Bembe met today regarding restarting the Vision team, that Milt Herd will be contacted to be a facilitator, and that they will begin contacting people after the first of the year.

Councilman Back reported on topics discussed at the September 6 Planning Commission meeting.

Councilman Newman reported on topics discussed at the September 14 Parks and Recreation Commission meeting

Mayor Ambrogio reported that the Charles Street Task Force members roster has been finalized, and that Greg Welker, State Highway Administration, will be the facilitator.

Public Forum

Steve Urso, 1013 Agricopia Drive, asked about the status of the rundown buildings near Agricopia Subdivision and across from the Tilghman Lake property. Mayor Ambrogio and Mr. Miller briefly explained the history of the buildings from their previous use as military housing, through the federal government declaring them surplus, to the current interest by Tri-County Community Action as transitional housing for the homeless. It was noted that the Town does not believe that use is possible.

Mike Runfola spoke about the water supply problem of aquifers not recharging. He referred to a report prepared by David Drummond, in cooperation with the County Commissioners of Charles, Calvert and St. Mary's counties. He urged the Town Council to review and explore other sources before the Town issues more building permits. He encouraged the Town Council to attend a meeting to be held at 11:00 AM, on Monday, September 19, with the Charles County Commissioners. Councilman Winkler advised he would be attending a meeting next week at the College of Southern Maryland to discuss similar topics.

Motion for Closed Session

Councilwoman Mudd made a motion to conduct a closed session immediately following this meeting, pursuant to *Annotated Code of Maryland* 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; and Section 10-508(a)(3), to consider the acquisition of real property for a public purpose and matters directly related thereto. Councilman Back seconded the motion. Roll call vote: Mayor Ambrogio and Councilmen Winkler, Back, Mudd and Newman voted aye. Motion carried by unanimous vote.

There being no further business, Councilwoman Mudd made a motion to adjourn at 9:09 PM. Councilman Winkler seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk