

Council of the Town of La Plata  
Town Hall, La Plata, Maryland  
Regular Meeting – 7:00 PM  
April 22, 2008

Present: Mayor Gene Ambrogio, Councilman James Goldsmith, Councilman Scot D. Lucas, Councilman Vic E. Newman; Daniel J. Mears, Town Manager; Michelle D. Miner, Assistant Town Manager

Town Staff: Joseph W. Norris, Treasurer; Cassin B. Gittings, Chief, La Plata Police Department; Robert F. Stahl, Jr., Director of Operations

Minutes:

Mayor Ambrogio called the meeting to order at 7:00 PM, and asked Mary Beth Chandler, Dianne Shisler and Sherie Zimmer, members of the La Plata Community Garden Club, to lead the Pledge of Allegiance.

#### Approval of March minutes

Councilman Lucas moved to approve the minutes of the March 11 special meeting, March 11 closed session, March 11 work session, March 12 joint work session with Planning Commission, March 18 work session, March 25 regular meeting, and March 27 joint work session with Planning Commission. Councilman Goldsmith seconded the motion and it passed by unanimous vote.

#### Treasurer's Report

Mayor Ambrogio acknowledged receipt of the Treasurer's report dated March 31, 2008.

#### Petitions, Communications, Appearances, and Public Forum

##### La Plata Community Garden Club

Mayor Ambrogio congratulated the La Plata Community Garden Club for receiving the Governor's Beautification Silver Bowl, given in recognition of their outstanding civic project of the Star Memorial Garden and Courtyard. Mary Beth Chandler spoke on behalf of the Club and described the project and thanked the Town Council, GP Homes and Facchina Construction Company for their help.

##### La Plata Police Department monthly report – Chief Gittings

Chief Gittings reported on the department's activities during the month of March, 2008.

##### Public Forum (No speakers.)

#### Legislation – For Introduction

Ordinance 08-8 Town of La Plata FY2008-2009 Tax Rate (For Introduction) – For the purpose of adopting the Town of La Plata FY2008-2009 Tax Rate; and all matters generally relating thereto.

Ordinance 08-9 Town of La Plata FY2008-2009 Financial Plan/Budget (For Introduction) – For the purpose of adopting the Town of La Plata FY2008-2009 Financial Plan/Budget; and all matters generally relating thereto.

Ordinance 08-10 Town of La Plata FY2008-2009 Fee Schedule (For Introduction) – For the purpose of adopting the Fee Schedule, dealing with fees set by the Town of La Plata; and all matters generally relating thereto.

Mayor Ambrogio provided brief descriptions of Ordinance 08-8, Ordinance 08-9 and Ordinance 08-10.

### Public Hearings

#### Constant Yield Tax Rate

Mayor Ambrogio called the hearing to order at 7:12 PM. Mr. Norris advised that the hearing notice had been properly advertised in the April 11, 2008 edition of the Maryland Independent, and that proof of advertising had been sent to the State.

Mayor Ambrogio asked if anyone wished to speak. No one wished to speak.

Mayor Ambrogio closed the hearing at 7:14 PM.

Ordinance 08-9 Town of La Plata FY2008-2009 Financial Plan/Budget – For the purpose of adopting the Town of La Plata FY2008-2009 Financial Plan/Budget; and all matters generally relating thereto.

Ordinance 08-10 Town of La Plata FY2008-2009 Fee Schedule – For the purpose of adopting the Fee Schedule, dealing with fees set by the Town of La Plata; and all matters generally relating thereto.

Mayor Ambrogio called the hearing to order at 7:14 PM. The Certification of Publication of the notice of the hearing in the April 9, 2008 edition of the Maryland Independent was entered into the record.

Mayor Ambrogio asked if anyone wished to speak. No one wished to speak.

Mr. Mears provided a PowerPoint presentation of the budget and fee schedule information.

Mayor Ambrogio closed the hearing at 7:35 PM.

Ordinance 08-4 Comprehensive Rezoning – Notice of Hearings – For the purpose of altering the public hearing notice requirements to require that written notice of hearings be sent to owners of record of property which is contiguous to or opposite property rezoned as part of a comprehensive zoning or rezoning of the Town or portion of the Town; correcting a typographical error; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Mayor Ambrogio called the hearing to order at 7:35 PM. The Certification of Publication of the notice of the hearing in the April 4, 2008 edition of the Maryland Independent was entered into the record. Mayor Ambrogio acknowledged receipt of and entered into the record the memorandum to the Town

Council from Cathy Flerlage, Director of Planning and Zoning, dated April 22, 2008, which contains the Planning Commission's recommendation that the Town Council adopt Ordinance 08-4.

Mayor Ambrogio asked if anyone wished to speak. No one wished to speak.

Mayor Ambrogio closed the hearing at 7:37 PM.

Ordinance 08-6 Heritage Green Development Rights and Responsibilities Agreement - For the purpose of approving a certain Development Rights and Responsibilities Agreement to apply to the development of the Heritage Green mixed use community; authorizing the Town Manager to execute this Agreement on behalf of the Town; providing that the enactment and taking effect of this Ordinance is contingent upon the enactment and taking effect of certain other legislation; and matters generally related to the development of the Heritage Green community.

Mayor Ambrogio called the hearing to order at 7:37 PM. The Certification of Publication of the notice of the hearing in the March 28, 2008 edition of the Maryland Independent was entered into the record. Mayor Ambrogio acknowledged and entered into the record Resolution 08-PC-1, which was adopted by the La Plata Planning Commission following a public hearing held on April 1, 2008, and which contains the Planning Commission's finding that the terms, provisions, conditions, and obligations of the Heritage Green Development Rights and Responsibilities Agreement are consistent with the Comprehensive Plan of the Town of La Plata.

Mayor Ambrogio asked if anyone wished to speak. No one wished to speak.

Mayor Ambrogio closed the hearing at 7:39 PM.

#### Legislation – For Consideration of Adoption

Ordinance 08-5 School Seat Allocation Policy (For Adoption) – For the purpose of modifying certain criteria for exemption from the Town's school seat allocation policy; providing that the Town may not issue building permits for lots in certain subdivisions that require certain special school seat allocations to be provided to the Town by the Charles County Commissioners until those allocations are provided; and all matters generally relating thereto.

Councilman Newman moved to adopt Ordinance 08-5. Councilman Goldsmith seconded the motion and it passed by unanimous vote.

Ordinance 08-6 Heritage Green Development Rights and Responsibilities Agreement – (For Adoption) – For the purpose of approving a certain Development Rights and Responsibilities Agreement to apply to the development of the Heritage Green mixed use community; authorizing the Town Manager to execute this Agreement on behalf of the Town; providing that the enactment and taking effect of this Ordinance is contingent upon the enactment and taking effect of certain other legislation; and matters generally related to the development of the Heritage Green community.

Councilman Goldsmith moved to adopt Ordinance 08-6. Councilman Lucas seconded the motion and it passed by unanimous vote.

Ordinance 08-7 Heritage Green Utility Installation and Cost Sharing Agreement (For Adoption) – For the purpose of approving a certain Utility Installation and Cost Sharing Agreement between the Town of La Plata and Heritage Green Development, LLC, to govern the construction, installation, dedication and conveyance, decommissioning and financing of various Town sewer system facilities related to the development of the Heritage Green mixed use community; providing as part of that Agreement that the Town shall provide a certain credit against future Major Facilities Fees as reimbursement for the Town’s share of the costs of the construction, installation and decommissioning of various Town sewer system facilities; authorizing the Town Manager to execute this Agreement on behalf of the Town; and matters generally related to sewer system facilities and the development of the Heritage Green community.

Councilman Newman moved to adopt Ordinance 08-7. Councilman Lucas seconded the motion and it passed by unanimous vote.

Unfinished Business (None)

New Business

Commission Reports

Councilman Goldsmith reported on topics discussed at the Planning Commission’s April 1 meeting.

Councilman Lucas reported on topics discussed at the Design Review Board’s April 2 and April 16 meetings, and provided updates on items discussed at meetings of the La Plata Business Association and Kent Avenue Partnership.

Mayor Ambrogio announced that the Celebrate La Plata Spring Festival will be held on Saturday, April 26, from 12:00 noon until 4:00 PM.

Motion for Closed Session

Mayor Ambrogio moved to conduct a closed session, pursuant to *Annotated Code of Maryland* Sections 10-508(a)(3) – Consider the acquisition of real property for a public purpose and matters directly related thereto; 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. Councilman Lucas seconded the motion. Roll call vote: Mayor Ambrogio and Councilmen Goldsmith, Lucas and Newman voted aye. Motion carried by unanimous vote.

There being no further business, Mayor Ambrogio moved to adjourn at 7:49 PM. Councilman Goldsmith seconded the motion and it passed by unanimous vote. Following a short break, the Council moved into closed session.

Submitted by:

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Michelle D. Miner  
Assistant Town Manager