

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Manager-Council Meeting
March 23, 2004, 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

Town staff: Joseph W. Norris, Town Treasurer

Minutes:

Mayor Eckman called the meeting to order at 7:00 PM and then led the Pledge of Allegiance.

Petitions, Communications and Appearances (none)

Legislation

Ordinance 04-4 Commercial Credit Card Account with SunTrust BankCard, N.A (For Introduction) – For the purpose of authorizing the Town of La Plata to enter into a commercial credit card account relationship with SunTrust BankCard, N.A. and appointing Authorized Persons to enter into, execute and deliver on behalf of the Town of La Plata agreements, documents or other instruments to SunTrust BankCard, N.A. regarding the commercial credit card account relationship; and all matters relating to said commercial credit card account relationship with SunTrust BankCard, N.A.

Mr. Norris explained that the Town's current credit card is the direct, personal financial responsibility of the Town Manager. Ordinance 04-4 would authorize the Town government to enter into an agreement with SunTrust BankCard, N.A. Cards would be issued to those who have the current credit card (Mayor Eckman, Mr. Miller, Chief Gittings, Michelle Miner, Gale Crooks, Sterling Hayden) and to Ms. Bembe and Mr. Norris.

Unfinished Business (none)

New Business

Adjustments to General Fund balance

Mr. Norris explained the "Fund Balances Based from Audited Financial Statements, June 30, 2003, as of March 16, 2004" document which was included in the meeting packets, which he advised had been reviewed by the Council's Finance Committee, and asked for approval to designate and reserve specific dollar amounts for specific purposes.

Councilman Hale made a motion that \$1,600,000 of the current undesignated fund balance be designated and reserved for a Contingency Fund in the event of a disaster or severe financial condition; that \$137,900 of the current undesignated fund balance be designated and reserved for replacement of the water tower destroyed by the tornado and the funds be moved to the Water and Sewer Enterprise Fund; and that \$55,000 of the current undesignated fund balance be designated and reserved for addition to the Vehicle Replacement Fund Reserve. Councilman Fritz seconded the motion. In discussion before the vote, Mr. Norris responded to questions from the Council and explained that another \$90,000 will be

needed when the Town completes construction of the replacement water tower, and that two additional Public Works vehicles will need to be replaced in the next fiscal year rather than be reassigned to another user. In response to Councilman Ambrogio's request to add a street sweeper, Mayor Eckman and Mr. Miller explained that a special appropriation would be needed for a new street sweeper and as it cannot be included in the Vehicle Replacement Fund. Vote on the motion: the motion passed by unanimous vote.

Work Session

FY 05 Budget

Description: The Budget process is the most important single function of the elected body. It is the budget that outlines the priorities of the Town for the next 12-18 months. FY 05 priorities will be discussed and a preliminary "status quo" budget will be presented.

Council Consensus:

- The Council's Finance Committee hopes to each year identify and priority order streets in need of overlay.
- Engineers will be at the April 6 work session to discuss costs of the St. Mary's Avenue project.
- It was suggested that Chief Gittings attend a meeting to discuss his request for two new vehicles and one replacement vehicle.
- It was suggested that the Council look at increasing the grants to the fire department and the rescue squad at the end of the year. Councilman Ambrogio advised he preferred to see parity between the two amounts as he believes they are doing similar work and should receive equal amounts. Mayor Eckman advised that there is a large difference between the operating costs of the two organizations, which he said was the basis for the grant.
- Mr. Norris agreed to investigate the possibility of obtaining dental insurance for Town employees, and to bring that information to the Finance Committee.
- Councilman Winkler expressed concern about the Town taking over maintenance responsibility for stormwater management ponds, and noted the Town will need some form of taxing to fund that maintenance.

Christmas Star

Description: The discussion regarding the placement of the Christmas Star on the old water tower site will continue.

Mr. Miller advised he sent letters to the neighboring property owners and received two responses, one in support of the star and one neutral. Councilman Hale advised he received a telephone call from one of the property owners, who is against. Councilman Winkler advised he received a letter from one of the property owners, who expressed concern regarding the proposed garden being damaged when maintenance is needed on the star. In response to Councilman Winkler's remark that Delegate Mitchell needed to be contacted for his opinion, Mayor Eckman advised he has called him but has not received a return call. Councilman Winkler recommended the item be tabled until April 6 in order to get a written response from Delegate Mitchell, and noted he would try to contact him. Councilman Ambrogio remarked that this project started last year with the Beautification Commission, and suggested it should be revisited by the Beautification Commission as far as the site recommendation.

Council Consensus: The Council agreed to refer this to the Beautification Commission for their April 19 meeting.

Meeting Schedule

Description: We are early into a new meeting schedule. Is it working, or should we change back to the old method? Also, should we factor in some down time such as all 5th Tuesdays off and the month of August off?

Council Consensus: The Council agreed to return to the old meeting schedule of two morning work sessions and two evening regular meetings, beginning in April. They further agreed there would be no meetings on 5th Tuesdays and that they would not take off the month of August.

CBT Zone Boundaries

Description: The CBT zone has been established. Now the zone must be applied.

Mr. Miller advised the status of the list of properties proposed to be included in the Comprehensive Rezoning process to apply the new CBT zoning district, with the exception of the Christ Church property, which is proposed to be comprehensively rezoned from PL to CB. He further noted that target month for the required hearings before the Planning Commission and Town Council is May.

- In the area north of Charles Street: the triangle across from the Town Shop and the Thrift shop.
- In the area south of Charles Street: the tobacco barns, new Town Hall lot, Kimble property on South Maple Avenue, Simpson apartments at the corner of Carroll Street and South Maple Avenue; funeral home, flower shop, Sacred Heart Church,

Council Consensus: The Council confirmed agreement with the properties as listed by Mr. Miller and added the following properties to that list: the new Town Hall area, including specifically the Michael Raymond, Newcomb, and Middleton lots on St. Mary's Avenue, and the Paretta Mudd lot on the corner of St. Mary's Avenue and Queen Anne Street, and all of South Maple Avenue.

Facchina Business of the Year Sign

Description: The Facchina companies have been designated as the "Business of the Year" by the Chamber of Commerce. A banner comes with that honor. Our sign regulations place limits on the placement of these banners, but the Council can waive that limitation under special circumstances.

Ms. Bembe explained that a motion was needed by the Council to allow Facchina to display the banner. Ms. Bembe advised that The Facchina Group was awarded Business of the Year by the Charles County Chamber of Commerce and that a banner is given to the business for display on the building. Ms. Bembe explained that the sign ordinance exempts any sign or device determined by the Council to be of significance to the Town, and that a motion would need to be made declaring the Business of the Year banner to be of significance to the Town and therefore exempt from the sign ordinance.

Council Consensus: Councilman Winkler made a motion to allow the Chamber of Commerce Business of the Year banner to be displayed on the Facchina building through December, 2004. Councilman Ambrogio seconded the motion.

In discussion before the vote, Councilman Hale remarked that the Design Review Board has recently taken a number of businesses to task to make them comply with the sign ordinance. Rita's Ice and others were required to comply. He further remarked that while this is an excellent exception and Facchina certainly deserves it, this seemed counter to the new sign regulations. Mr. Miller noted that this would be within the confines of the language of the sign ordinance, and Ms. Bembe read the reference to the "of significance to the Town" exemption. Councilman Winkler asked the opinion of Cheryl McGuire, Chairman of the Design Review Board, and of Paula Winkler, Chairman of the Beautification Commission. Ms. McGuire responded that members of the audience were saying it would be setting a precedent. Councilman Ambrogio remarked that the hospital displayed the banner two years ago, to which Councilman Hale responded that the ordinance was not in place at that time. Ms. Winkler suggested that a nice looking sign would be preferable to a banner tied down with lanyards. Councilman Winkler suggested that the Town approach the Chamber to propose getting a different sign, which would be acceptable to the Design Review Board. Mayor Eckman pointed out that the Town Council has the right to make the exemption for the banner and it would not go before the Design Review Board.

Mayor Eckman called the Council's attention to the motion on the floor. Councilman Winkler moved to withdraw his original motion, in favor of discussing other options with the Chamber. Councilman Ambrogio was not willing to withdraw his second to the original motion. Mayor Eckman advised that the Council could make a motion to table or vote on the motion.

Councilman Hale moved to table this until such time as the Town can determine if there is a better method than a banner to identify a Business of the Year award winner. Councilman Winkler seconded the motion. In discussion before the vote, Councilman Ambrogio remarked that he believed this situation was totally different than the Rita's situation. Mayor Eckman called for the vote on the motion to table action on the preceding motion: Mayor Eckman and Councilmen Winkler, Fritz and Hale voted aye; Councilman Ambrogio voted nay. Motion passed by majority vote.

Wawa Annexation

Description: The annexation agreement will be discussed.

Mr. Miller advised that the Town Attorney has reviewed the new annexation agreement and asked the Town Council for comments, after which it will be sent back to the Town Attorney to be finalized, sent to the petitioner, and then a date may be set to vote on the annexation agreement and then the annexation. Mr. Miller provided a recap of items for the Council's comments:

- The message board sign would now require Design Review Board review and approval.
- The Council agreed to remove the clause in the agreement that requires Realty Income to perpetually maintain, repair and replace the message board sign at their expense.
- The Council agreed to remove the clause in the agreement that requires Realty Income to perpetually maintain, repair and replace the tornado siren.
- The Council agreed to leave in the agreement the requirement for the message board sign, for which they may later renegotiate the sign's location.
- Mr. Miller will check with the Town Attorney regarding including language that would require Advanced Auto Parts, who are applying to the County for a permit to build on the Amoco lot, to comply with Town design review and zoning regulations. As part of this discussion, Mr. Miller noted that Realty Income/Wawa forced the Amoco property owner in as part of the annexation, and that Amoco did not sign the petition, and that he would ask the Town Attorney at what point

Advanced Auto Parts has vested rights. It was also noted that tanks were illegally removed on the Amoco property and the County is petitioning Maryland Department of the Environment for an injunction against them.

Land Purchase

Description: Hawthorne Greene (senior living community) has had its second section approved by the Board of Appeals. Some of the land in this section has been viewed as possible expansion area for the WWTP.

Council Consensus: The Council agreed they want to buy more land for possible expansion area for the wastewater treatment plant, and that they want to have a work session to speak with John Sites.

Council's Critical 11

Traffic Study: The Town has been advised by Dick Keller that GP Homes does not want to pay for the study. Mayor Eckman advised he would not be ready to vote on the road alignment change until the recommended traffic study is done. The Town Council agreed that they must pay.

Town Inspector: The Town hired Jorge Thompson.

I & I: Severn Trent will be televising two lines on Friday.

Other business

Jim Goldsmith encouraged the Town to notify property owners involved in the comprehensive rezoning process.

In response to Councilman Fritz, Mayor Eckman advised he was not ready to appoint the alternate member to the Design Review Board as he believes further discussion is needed.

In response to a question from a member of the audience regarding availability of rental housing for people of middle class income, Councilman Winkler offered to provide the name and phone number of the manager of La Plata Garden Apartments.

There being no further business to discuss, the meeting adjourned at 9:03 PM.

Submitted by:

Judith T. Frazier
Town Clerk