

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
August 26, 2008

Present: Mayor Roy G. Hale, Councilman James Goldsmith, Councilman Scot D. Lucas, Councilwoman Paretta D. Mudd, Councilman Vic E. Newman; Daniel J. Mears, Town Manager; Judith T. Frazier, Town Clerk

Town Staff: Joseph W. Norris, Treasurer; Lt. Wayne Wathen, La Plata Police Department; Robert F. Stahl, Jr., Director of Operations

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 7:48 PM, Tuesday, July 22, 2008, in the La Plata Town Hall.

Present: Mayor Ambrogio, Councilmen Goldsmith, Lucas, Mudd and Newman; Daniel J. Mears, Town Manager; Judith T. Frazier, Town Clerk; Joseph W. Norris, Treasurer

On a motion made by Mayor Ambrogio, seconded by Councilman Goldsmith, 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 discuss Town Treasurer recruitment. Action taken: Agreed to schedule a closed session on Sunday, July 27, 2008, to conduct interviews of potential candidates for the position of Town Treasurer. The meeting adjourned at 8:16 PM.

A closed session of the Council of the Town of La Plata was held at 1:51 PM, Sunday, July 27, 2008, in the La Plata Town Hall.

Present: Mayor Ambrogio, Councilmen Goldsmith, Lucas, Mudd and Newman; Daniel J. Mears, Town Manager; Judith T. Frazier, Town Clerk; Joseph W. Norris, Treasurer

On a motion made by Mayor Ambrogio, seconded by Councilman Goldsmith, 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 interview potential candidates for the position of Town Treasurer and to discuss Town Treasurer recruitment. Action taken: Interviewed potential candidates;

directed the Town Manager on a course of action to take regarding a specific candidate for the position of Town Treasurer. The meeting adjourned at 4:25 PM.

A closed session of the Council of the Town of La Plata was held at 8:38 PM, Tuesday, August 12, 2008, in the La Plata Town Hall.

Present: Councilmen Goldsmith, Lucas, Mudd and Newman; Michelle D. Miner, Assistant Town Manager; Judith T. Frazier, Town Clerk; Joseph W. Norris, Treasurer; Robert F. Stahl, Jr.

On a motion made by Councilman Lucas, seconded by Councilman Goldsmith, 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)(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. The purpose of the meeting was to discuss acquisition of property for parkland; discuss a candidate for the position of Town Treasurer/discuss Town Treasurer recruitment. Action taken: Acquisition of property for parkland – the Town Council agreed to apply for a specific grant, and to schedule a special meeting on August 19 to adopt a Resolution in support of the grant. Discuss candidate for Town Treasurer/Town Treasurer recruitment – the Town Council agreed on an amount to offer as a total compensation package to offer a specific candidate. The meeting adjourned at 9:32 PM.

A closed session of the Council of the Town of La Plata was held at 8:55 PM, Tuesday, August 19, 2008, in the La Plata Town Hall.

Present: Councilmen Goldsmith, Lucas and Mudd; Daniel J. Mears, Town Manager; Judith T. Frazier, Town Clerk; Joseph W. Norris, Treasurer

On a motion made by Councilwoman Mudd, seconded by Councilman Lucas, 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 discuss appointments to Boards and Commissions and to discuss a candidate for the position of Town Treasurer/Town Treasurer recruitment. Action taken: Appointments to Boards and Commissions – the Town Council agreed to contact specific members of Town Boards and Commissions to ascertain if they are interested in being appointed/reappointed. The Town Council agreed to schedule a closed session on September 9, to interview applicants for various vacant positions. Discuss candidate for Town Treasurer/Town Treasurer recruitment – the Town Council reviewed a form of contract and directed the Town Manager on a course of action to take regarding specific

points in the contract and to have the contract reviewed by the Town Attorney. The meeting adjourned at 9:50 PM.

Minutes:

Councilman Lucas acted as mayor pro tem and called the meeting to order at 7:00 PM, and asked Bob Turgeon to lead the Pledge of Allegiance.

Approval of July minutes

Councilman Goldsmith moved to approve the minutes of the July 8 special meeting, July 8 work session, July 8 closed session, July 15 special meeting, July 15 work session, July 15 closed session, July 22 special meeting (6:15 PM), July 22 closed session (6:15 PM), July 22 regular meeting, July 22 closed session, July 27 special meeting, and July 27 closed session. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Treasurer's Report

Councilman Lucas acknowledged receipt of the Treasurer's Reports for June and July.

Election to fill Vacancy – Office of Mayor

Councilman Goldsmith moved to nominate Roy G. Hale to serve as Mayor of the Town of La Plata, to fill the vacancy resulting from the resignation of Mayor Gene Ambrogio, and to serve Mayor Ambrogio's unexpired term. Councilwoman Mudd seconded the motion. Following discussion, the motion passed by unanimous vote.

Councilman Newman moved that nominations be closed. Councilman Goldsmith seconded the motion. The motion passed by unanimous vote.

Resolution 08-10 Vacancy – Office of Mayor (For Introduction and Adoption) – For the purpose of filling a vacancy in the office of Mayor of the Town of La Plata resulting from the resignation of Mayor Gene Ambrogio.

Councilman Newman moved to adopt Resolution 08-10, for the purpose of electing Roy G. Hale to fill the vacancy in the office of Mayor of the Town of La Plata resulting from the resignation of Mayor Gene Ambrogio. Councilman Goldsmith seconded the motion. Roll call vote: Councilmen Goldsmith, Lucas, Mudd and Newman voted aye. The motion passed by unanimous vote.

Sharon Hancock, Clerk of the Circuit Court for Charles County, Maryland, administered the Oath of Office to Mayor Roy G. Hale.

Mayor Hale stated it was an honor to be the Mayor of La Plata, that he would do his utmost to uphold the standards of the office, and thanked the Town Council for their trust in him. Mayor Hale recognized the service to the Town of former Mayor Gene Ambrogio and wished him and his family the best in the years to come.

Petitions, Communications, Appearances, and Public Forum

Presentation of Town Seal to Jaunita Burnette

Mayor Hale presented a Town Seal to Jaunita Burnette, expressing the Town's appreciation of her dedicated service to the Town as Accounts Receivable Clerk, December 1980 – July 2008.

La Plata Police Department monthly report – Lt. Wathen

Lt. Wathen reported on the department's activities during the month of July, 2008. Councilman Lucas thanked the La Plata Police Department for the great job and hard work they are doing for the Town.

Public Forum (No speakers.)

Legislation – For Introduction

Ordinance 08-12 Purchasing – Competitive Bidding (For Introduction) – For the purpose of amending the list of entities from whom the Town may make certain purchases that are exempt from certain competitive bidding and advertising requirements; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Mr. Mears provided a brief explanation of the purpose of Ordinance 08-12.

Ordinance 08-13 Parking Violation Fines (For Introduction) – For the purpose of providing for an increase in the amount of fines for parking violations; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Mr. Mears provided a brief explanation of the purpose of Ordinance 08-13.

Resolution 08-8 Amendment of the Rosewick Annexation Agreement (For Introduction) – For the purpose of approving and authorizing the amendment of a certain Annexation Agreement between the Town of La Plata and Rosewick Limited Partnership, and others; and all matters relating to the amendment of the Annexation Agreement.

Mr. Mears provided a brief explanation of the purpose of Resolution 08-8, noting it will only be adopted if the Johel Limited Partnership and FCD-Development, LLC Annexation is approved.

Public hearings

Resolution 08-6 Johel Limited Partnership and FCD-Development, LLC Annexation – 14.11 Acres – For the purpose of authorizing the annexation of 14.11 acres, more or less, of 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 14.11 acres of land, more or less, into the Town of La Plata.

Mayor Hale called the hearing to order. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the July 30, 2008 and August 6, 2008 editions of the Maryland Independent.

Mayor Hale acknowledged the written recommendation from the La Plata Planning Commission, contained in a memorandum dated August 26, 2008, in which they recommend that the Town Council zone the property C-H Commercial Highway, if the property is annexed. The Clerk entered the recommendation from the La Plata Planning Commission into the record.

Roger Wright, Managing Director of Retail Development, and Stephen Wenderoth, both of Faison, were present to provide information regarding the petition to annex 14.11 acres of property and to answer any questions from the public and the Town Council.

Mayor Hale asked if anyone in the audience wished to speak. No one wished to speak.

In response to questions posed by the Town Council, Mr. Wright and Mr. Wenderoth provided the following information. During discussion, it was noted that the Town Council would be discussing questions regarding energy efficiency at a future work session.

- Key benefits to Town residents if the property is annexed include (1) integrating within the business area a parcel of commercial property which has a main access from Rosewick Road; (2) increase to the assessable tax base; and (3) expanded horizon to provide more goods and services to the Town.
- Primary access to the property will be on Rosewick Road, directly across from the entrance to Rosewick Crossing shopping center, at an intersection controlled by a traffic signal, with a secondary entrance (right in-right out) on Route 301.
- Water capacity concern regarding how much water capacity this property will require: a new well and storage tank were provided as part of the Rosewick Crossing development, with the well being sized and designed for Phase 2 development of Rosewick Crossing. This additional property would require a small additional amount of water capacity.
- Will be pursuing LEED certification and will use low- and no-flow toilets, pervious surfaces, and will provide landscaping designed to collect storm water and allow it to percolate back into the ground.

Mayor Hale asked the Town Clerk if any written comments had been received and was advised that an email dated July 6, 2008, was received from George Hedrick, 711 Clarks Run Road, stating he was in favor of the proposed annexation. Mr. Hedrick's email was entered into the record.

In closing comments, Mr. Wright stated they were looking forward to working with the Town Council to address their questions and concerns and on the annexation agreement.

There being no other speakers, Mayor Hale stated that the record of the hearing would be held open for 10 days, until September 5, 2008, for any further written comment, and closed the hearing at 7:32 PM.

Resolution 08-8 Amendment of the Rosewick Annexation Agreement – For the purpose of approving and authorizing the amendment of a certain Annexation Agreement between the Town of La Plata and Rosewick Limited Partnership, and others; and all matters relating to the amendment of the Annexation Agreement.

Excerpt from notice of hearing as published in the Maryland Independent:

The amendment to the Annexation Agreement proposes to alter that Agreement in the following respects if the Town annexes into the corporate limits of the Town a 10.0022 acres, more or less, parcel of land (“the Johel Parcel”):

1. Subject to the possible required approval of the County Commissioners, remove a restriction that the 18.0124 acres, more or less, parcel of land described in the Annexation Agreement as the “Jennings Parcel” may be used only for such uses as permitted in the Charles County Zoning Ordinance Business Park (BP) zoning district so that the Jennings Parcel may be combined with the Johel Parcel and developed as one integrated commercial development to contain a mix of retail uses and office uses.

2. The requirement that the Jennings Parcel be developed in accordance with a “Rosewick Crossing Preliminary Conceptual Development Plan 2005” and, substitute in lieu thereof a requirement that the Jennings Parcel be developed in combination with the Johel Parcel as generally depicted on a preliminary conceptual development plan for “La Plata Crossing” attached to the Petition for Annexation for the Johel Parcel. The combined development of the Jennings Parcel and the Johel Parcel will be harmonious with the Rosewick Crossing Shopping Center now under development.

Mayor Hale called the hearing to order. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the August 13, 2008 and August 20, 2008 editions of the Maryland Independent.

Roger Wright, Managing Director of Retail Development, and Stephen H. Scott, attorney for the petitioner, were present to provide information regarding the request to amend the Rosewick Annexation Agreement and to answer any questions from the public and the Town Council. Mr. Scott stated that he had been working with Mr. Sussman, the Town Attorney, regarding the exact nature of the amendments required to the conceptual site plan and the restriction on the Jennings parcel regarding Business Park zone uses.

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

Mayor Hale asked the Town Clerk if any written comments had been received and was advised that no written comments had been received.

There being no other speakers and no further comments by the petitioner, Mayor Hale stated that the record of the hearing would be held open for 10 days, until September 5, 2008, for any further written comment, and closed the hearing at 7:37 PM.

Legislation – For Consideration of Adoption

Ordinance 08-11 New Irrigation System Installation (*For Deferral to September 23, 2008 meeting*) – For the purpose of adopting regulations pertaining to installation and operation of new irrigation systems; prohibiting the use of potable water for such systems; requiring permits and inspections for such installations; specifying a fee for such permits; defining certain terms; providing for the enforcement of these regulations and penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Councilman Goldsmith moved to defer consideration of Ordinance 08-11 until the September 23 meeting. Councilman Lucas seconded the motion. In discussion prior to the vote, it was noted that deferring the ordinance is not an indication that the Town does not take water conservation as a serious matter, and further noted that the Council was still reviewing a large amount of submitted material on the subject. Vote on the motion: the motion passed by unanimous vote.

Resolution 08-11 Port Tobacco River Watershed Restoration Action Strategy (For Introduction and Consideration of Adoption) – For the purpose of adopting the Port Tobacco River Watershed Restoration Action Strategy (June 20, 2007), subject to a certain condition.

Councilman Lucas moved to adopt Resolution 08-11. Councilwoman Mudd seconded the motion. In discussion prior to the vote, Mr. Mears provided a brief explanation of the purpose of Resolution 08-11, noting that adoption would show the Town's support of WRAS within the Town of La Plata. Vote on the motion: the motion passed by unanimous vote.

Unfinished Business (None)

New Business

Appointments to Boards and Commissions

Councilman Newman moved to appoint Pierre Dickson as a regular member of the Board of Appeals. Councilman Goldsmith seconded the motion and it passed by unanimous vote. It was noted that the appointment is to fill an unexpired 3-year term which began May 22, 2007.

Councilman Goldsmith moved to reappoint Mark Rose to a 5-year term on the Planning Commission. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Commission Reports

Councilman Goldsmith reported on topics discussed at the Planning Commission's August 6 meeting.

Councilman Lucas reported on topics discussed at the Design Review Board's August 20 meeting, the recent meeting of the La Plata Business Association, the Crime Watch Council's August 6 meeting, and the Kent Avenue Partnership's August 20 meeting.

Councilwoman Mudd reported on topics discussed at the last Beautification Commission meeting and the Kent Avenue Partnership's meeting. Councilwoman Mudd advised that the Beautification Commission will have two meetings in September, including one with the Town Council at the Council's September 16 work session.

Councilwoman Mudd advised that the Beautification Commission commends Mr. Stahl for the improvements at Wills Park. Mayor Hale added appreciation for the improvements at Silver Linden Park and the entrance to Clarks Run. Mr. Stahl remarked that the improvements were accomplished by much hard work and effort by Public Works staff and good directions from the Parks and Recreation Commission and Town Council.

Councilman Newman reported that the Parks and Recreation Commission toured Town parks to determine what upgrades are needed and to make recommendations to the Town Council.

There being no further business, Councilman Lucas moved to adjourn at 7:48 PM. Councilman Goldsmith seconded the motion and it passed by unanimous vote.

Submitted by:

Judith T. Frazier
Town Clerk