

Council of the Town of La Plata  
La Plata Town Hall  
Tuesday, May 22, 2012, 7:00 p.m.  
Business Meeting

Present: Mayor Roy G. Hale, Councilman C. Keith Back, Councilwoman Paretta D. Mudd, Councilman Joseph W. Norris; Daniel J. Mears, Town Manager; Michelle D. Miner, Assistant Town Manager

Town Staff: Robert W. Oliphant, Treasurer; Lt. Wayne Wathen; Det. Sgt. William Brooks; CPL. Harold Cunningham.

Guests: See Roster

*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 7:50 p.m., Tuesday, May 8, 2012, in the La Plata Town Hall.

*Present: Mayor Roy G. Hale, Councilman R. Wayne Winkler, Councilwoman Paretta D. Mudd, Councilman Joseph W. Norris; Daniel J. Mears, Danielle Mandley, Frederick C. Sussman, Town Attorney.*

*On a motion made by Councilman Norris, seconded by Councilman Winkler. Roll call vote on the motion: Mayor Hale, Councilman Winkler, Councilman Back and Councilman Norris voted aye, Councilwoman Mudd was absent for the vote, and by majority vote, the session was closed. The authority under which the session was closed was Annotated Code of Maryland State Government Article Section 10-508(a)(7) Consult with counsel to obtain legal advice. The purpose of the meeting was to discuss pending and potential litigation. Action: The Council adopted an amended motion to proceed with an appeal.. The meeting was adjourned at 9:13 p.m.*

Minutes:

Mayor Hale called the meeting to order at 7:00 PM, and asked Troop 1321 to lead the Pledge of Allegiance.

#### Approval of January Minutes

Councilman Back moved to approve the minutes of the April 10 special meeting, April 10 work session, April 17 work session and April 24 business meeting. Councilman Norris seconded the motion and it passed unanimously.

#### Treasurers Report

Mayor Hale acknowledge receipt of the April Treasurers Report.

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

##### 1. Public Forum

Michael J. Runfola, 113 Morris Drive, Town Resident, spoke regarding the history of events for the Johel Annexation, and asked if the Town will file an appeal of the court's decision in the Johel litigation.

William Borza, 131 W. Quail Lane, Town Resident, spoke to request that the Council place a moratorium on all annexations.

Lynn Marlin, 550 Quince Court, Town Resident, spoke to request that the Council appeals the court's

decision regarding litigation in the Johel Annexation.

Larry Cease, Hughesville Resident, spoke as signature gatherer for the Johel petition for referendum.

Steve Scott, Attorney for Faison, spoke to express that the record, in the Johel Annexation proceedings reflected support for the annexation.

Mary Beth Chandler, 900 Anne Arundel Avenue, Town Resident, asked the Council how they would fix the situation in the Johel Petition for Referendum, and asked that the Citizens be given the right to vote.

Sue Greer, Attorney for the Johel Limited Partnership, spoke regarding the 200 Vision Plan and the 2002 and 2009 Comprehensive Plans.

Gene Ambrogio, 507 Linden Lane, Town Resident, spoke to support Daniel Mears, made a request that the Council appeal the Judges ruling on the Petition for Referendum, and requested that legislation be considered to limit the size of individual stores.

Terri Farri, business owner, spoke to request that the error on the Referendum be fixed.

Jon Jordan, 4 Winterberry Court, Town Resident, spoke to express that he doesn't want a Super Wal-Mart and to encourage appeal.

Austin, Hickory Ridge, spoke in favor of the Referendum.

2. La Plata Police Department (LPPD) monthly report – Lt. Wayne Wathen

Lt. Wathen reported on the department's activities during the month of April 2012

3. La Plata Volunteer Fire Department monthly report *[None]*

4. Presentation: FY2012-2013 Financial Plan and Budget

\_\_\_\_\_ Mr. Mears provided a power point presentation outlining the FY2012-2013 Financial Plan and Budget.

**► Legislation**

Ordinance No. 12-07 INTERNATIONAL BUILDING CODE 2009 (for introduction) – For the purpose of adopting the International Building Code 2009, with certain modifications and additions, as the building code for the Town of La Plata, with certain exceptions; providing for the administration and enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance No. 12-08 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS 2009 (for introduction) – For the purpose of adopting the International Residential Code for One- and Two-Family Dwellings 2009, with certain modifications, as the code for the design and construction of certain one- and two-family dwellings and townhouses in the Town of La Plata; providing for the administration and

enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance No. 12-09 NATIONAL ELECTRICAL CODE NEC 2008 – NFPA 70 (for introduction) – For the purpose of adopting the National Electrical Code NEC 2008 – NFPA 70, with certain modifications, as the code for the regulation, and control of the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the Town of La Plata; providing for the administration and enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance No. 12-10 INTERNATIONAL MECHANICAL CODE 2009 (for introduction) – For the purpose of adopting the International Mechanical Code 2009, with certain modifications, as the mechanical code for the Town of La Plata; providing for the administration and enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance No. 12-11 INTERNATIONAL ENERGY CONSERVATION CODE 2009 (for introduction) – For the purpose of adopting the International Energy Conservation Code 2009, with certain modifications, as the energy conservation code for the Town of La Plata; providing for the administration and enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance No. 12-12 INTERNATIONAL FUEL GAS CODE 2009 (for introduction) – For the purpose of adopting the International Fuel Gas Code 2009, with certain modifications, as the code for the regulation and control of the design and installation of fuel gas systems and gas-fired appliances in the Town of La Plata; providing for the administration and enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance No. 12-13 INTERNATIONAL EXISTING BUILDING CODE 2009 (for introduction) – For the purpose of adopting the International Existing Building Code 2009, with certain modifications, as the code for the repair, alteration, change of occupancy, addition, and relocation of existing buildings in the Town of La Plata; providing for the administration and enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Ordinance No. 12-14 INTERNATIONAL FIRE CODE 2009 (for introduction) – For the purpose of adopting the International Fire Code 2009, with certain modifications, as the fire code for the Town of La Plata; providing for the administration and enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

Mr. Mears described the ordinances related to adoption of the 2009 International Codes.

Ordinance No. 12-04 Town of La Plata FY2012-2013 Financial Plan/Budget (for introduction) – For the purpose of adopting the Town of La Plata FY2012-2013 Financial Plan/Budget; and all matters generally relating thereto.

Ordinance No. 12-05 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.

Ordinance No. 12-06 Town of La Plata FY2012-2013 Tax Rate (for introduction) – For the purpose of adopting the Town of La Plata FY2012-2013 Tax Rate; and all matters generally relating thereto.

**► Public Hearing**

Ordinance No. 12-04 Town of La Plata FY2012-2013 Financial Plan/Budget

Ordinance No. 12-05 Fee Schedule

Ordinance No. 12-06 Town of La Plata FY2012-2013 Tax Rate

Mayor Hale announced to silence cell phones, opened the hearing and explained that the purpose of the hearing is to hear public comments regarding Ordinance No. 12-04, 12-05 and 12-06. The acting Clerk entered into the record the Certification of Publication that the hearing was properly advertised in the May 11, 2012 edition of the Maryland Independent newspaper.

Mayor Hale called for questions of the Council. There were no questions.

Mayor Hale asked if any written comments have been received. There were no written comments.

Mayor Hale asked if anyone signed the speakers list.

Lynn Marlin, 550 Quince Court, spoke to praise the Council and Town Manager on the budget presentation.

Mayor Hale asked in there are any other speakers. There were no additional speakers.

Mayor Hale called for additional questions by the Council. There were no additional questions.

There being no further speakers, Mayor Hale concluded the hearing at 8:19 p.m., and announced that the record will remain open until May 29, 2012 at 4:00 p.m.

**► Unfinished Business** *[None]*

**► New Business**

1. Commission Reports

Councilman Norris reported on the Design Review Boards review of Master Sign Plans for Rosewick Crossing, and the approval of a Master Sign Plan for the Meradith Building.

Council Woman Mudd discussed the Beautification Commission approval of the Spring grant applications and that several Commission members plan to attend a dedication ceremony at Mitchell Elementary School.

Councilman Back discussed the Planning Commission approval of a preliminary plat extension for the Agricopia Subdivision.

2. Upcoming Events – Mayor Hale

- **May 25 – 25<sup>th</sup> Hour Band**
- **May 28 – Memorial Day Ceremony, 11:00 a.m.**

- **June 1 – Four of a Kind Band**
  - **June 8 – US Navy Band, The Commodores**
  - **June 9 – Artfest 2012**
  - **June 15 – Port Tobacco Pickers**
  - **June 19 – Town Council business meeting rescheduled from June 26**
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3. Motion for a Closed Session

Councilman Back moved to conduct a closed session, pursuant to *Annotated Code of Maryland* §10-508(a)(3) Consider the acquisition of real property for a public purpose and matters directly related thereto. Councilman Norris seconded the motion. Roll call vote on the motion: Councilman Back, Councilwoman Mudd Councilman Norris, and; Mayor Hale voted aye. The motion passed unanimously.

4. Motion for a Closed Session

Councilman Back moved to conduct a closed session, pursuant to *Annotated Code of Maryland* §10-508(a)(8) Consult with staff, consultants, or other individuals about pending or potential litigation. Councilwoman Mudd seconded the motion. Roll call vote on the motion: Councilman Back; Councilwoman Mudd; Councilman Norris, and; Mayor Hale voted aye. The motion passed unanimously.

There being no other business to discuss, and no voiced objection, the meeting was adjourned at 8:26 p.m.

Submitted by:

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Michelle D. Miner, Assistant Town Manager