

Council of the Town of La Plata  
Town Hall, La Plata, Maryland  
Regular Meeting – 7:00 PM  
April 28, 2009

Present: Mayor Roy G. Hale, Councilman James Goldsmith, Councilman Scot D. Lucas [arrived at 8:08 p.m. and participated in the work session], Councilwoman Paretta D. Mudd, Councilman Vic E. Newman; Daniel J. Mears, Town Manager; Judith T. Frazier, Town Clerk

Town Staff: Robert W. Oliphant, Treasurer; Cassin B. Gittings, Chief, La Plata Police Department; David M. Jenkins, Director of Municipal Development; 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 9:54 PM, Tuesday, April 14, 2009, in the La Plata Town Hall.*

*Present: Mayor Hale, Councilmen Lucas, Mudd and Newman; Judith T. Frazier, Town Clerk*

*On a motion made by Councilman Lucas, seconded by Councilwoman Mudd, 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 conduct the performance evaluation of the Town Manager. The Town Council agreed to schedule another closed session on April 21, 2009, to continue the performance evaluation of the Town Manager, and to schedule another closed session on April 28, 2009, to present the performance evaluation to the Town Manager. The meeting adjourned at 10:24 PM.*

*A closed session of the Council of the Town of La Plata was held at 10:34 PM, Tuesday, April 21, 2009, in the La Plata Town Hall.*

*Present: Mayor Hale, Councilmen Goldsmith, Lucas, Mudd and Newman; Judith T. Frazier, Town Clerk*

*On a motion made by Councilman Goldsmith, seconded by Councilman Newman, 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 continue the performance evaluation of the Town Manager. Action taken: Following discussion, the Town Council agreed on a course of action to be taken as a*

*result of the performance evaluation of the Town Manager. The meeting adjourned at 10:53 PM.*

*A closed session of the Council of the Town of La Plata was held at 10:56 PM, Tuesday, April 28, 2009, in the La Plata Town Hall.*

*Present: Mayor Hale, Councilmen Goldsmith, Lucas, Mudd and Newman; Daniel J. Mears, Town Manager; Judith T. Frazier, Town Clerk*

*On a motion made by Councilman Newman, seconded by Councilwoman Mudd, 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 continue the performance evaluation of the Town Manager. Action taken: Reviewed results of the performance evaluation with the Town Manager. The meeting adjourned at 11:13 PM.*

#### Minutes:

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

#### Approval of March minutes

Councilman Newman moved to approve the minutes of the March 10 special meeting, March 10 work session, March 10 closed session, March 17 special meeting, March 17 closed session, March 17 work session, March 24 regular meeting, and March 31 special meeting, and to open to the public the minutes of the March 17 closed session. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

#### Treasurer's Report

Mayor Hale announced that the Treasurer's report dated March 31, 2009 will be presented at the May 12 special meeting.

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

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

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

Chief Gittings reported on the department's activities during the month of March, 2009.

Chief Gittings also reported that (1) two officers are attending bicycle patrol training and one officer is attending an IT class; (2) there was a good community turnout for the Phoenix Run community clean-up event held on April 21; (3) the La Plata Police Department open house is

scheduled for April 25; (4) there will be a special enforcement effort in May regarding use of seatbelts, the “Click it or Ticket” program, and there would be zero tolerance; and (5) the siren test is scheduled for Saturday, May 9, at 9:00 AM – signs will be posted and information will be put on the Town’s web page to inform the public of the test.

### Legislation – For Introduction

Ordinance 09-6 Town of La Plata FY2009-2010 Tax Rate (For Introduction) – For the purpose of adopting the Town of La Plata FY2009-2010 Tax Rate; and all matters generally relating thereto.

Mr. Mears provided a brief explanation of the purpose of Ordinance 09-6. Mr. Oliphant explained that the state requires a public hearing be held if the Town intends to hold their tax rate higher than a constant yield tax rate, and that the Town must advise the public of the date when they tentatively plan to pass the ordinance to set the tax rate.

### Public Hearing

#### Constant Yield Tax Rate

Mayor Hale called the hearing to order at 7:10 PM. Mr. Oliphant advised that the hearing notice had been properly advertised in the April 10, 2009 edition of the Maryland Independent, and that proof of advertising had been sent to the State.

Mayor Hale asked if anyone wished to speak.

Wayne Winkler, 214 Washington Avenue, asked if the Town had ever considered lowering the tax rate, noting that the Town of Indian Head lowered theirs from 32¢ to 31¢. Mr. Winkler suggested that consideration be given to combining services with the County and the Town of Indian Head as a means of lowering costs.

Mayor Hale announced that the Town Council will vote on Ordinance 09-6 Town of La Plata FY2009-2010 Tax Rate at a meeting scheduled to be held on May 12, 2009.

Mayor Hale closed the hearing at 7:15 PM.

Mayor Hale announced that a public hearing has been scheduled to be held on May 12, at 7:00 p.m., in the La Plata Town Hall, to hear public comment on Ordinance 09-7 Town of La Plata FY2009-2010 Financial Plan/Budget and on Ordinance 09-8 Town of La Plata FY2009-2010 Fee Schedule.

### Legislation – For Consideration of Adoption

Ordinance 09-3 Community Grant Policy (For Adoption) – For the purpose of establishing terms and conditions under which the La Plata Town Council may make certain grants of money to certain entities for public purposes; and all matters generally relating thereto.

Mr. Mears provided a brief explanation of the purpose of Ordinance 09-3.

Councilman Goldsmith moved to adopt Ordinance 09-3. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Unfinished Business (None)

New Business

Extension of Traditional Neighborhood Design designation – Heritage Green Phase Two

Mr. Mears provided a brief history regarding the Traditional Neighborhood Design designation granted three years ago, which expires May 9, 2009, and for which Heritage Green Development, LLC was requesting a 12-month extension.

Steve Murray, Senior Project Manager, Heritage Green Development, LLC, presented information regarding their request for an extension to their Traditional Neighborhood Design designation.

Councilman Goldsmith moved, pursuant to Town Code Section 191-25.4C.(6), to grant the request made by Heritage Green Development, LLC for a 12-month extension of the expiration of the Traditional Neighborhood Design designation initially granted by the Town Council on May 9, 2006, to Heritage Green Phase 2 – Parcels 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 26 and 27. The 12-month extension is to be effective on May 9, 2009. Councilman Newman seconded the motion and it passed by unanimous vote.

Appointments to boards and commissions

Councilwoman Mudd moved to appoint Robert Jacobs to a 4-year term on the Board of Supervisors of Elections. Councilman Goldsmith seconded the motion and it passed by unanimous vote.

Councilwoman Mudd moved to appoint Norman Shelton to the Board of Appeals to fill an unexpired 3-year term which began August 24, 2008. [Alternate member] Councilman Newman seconded the motion and it passed by unanimous vote.

Motion for closed session

Councilman Newman moved to conduct a closed session, 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. Councilwoman Mudd seconded the motion. Roll call vote: Mayor Hale and Councilmen Goldsmith, Mudd and Newman voted aye. Motion carried by unanimous vote.

### Commission Reports

Councilwoman Mudd reported that the Beautification Commission has been working on the landscaping project at the Town Hall and will bring a proposal to complete the project at the next business meeting. Councilwoman Mudd also reported that the community turnout was good at the Phoenix Run community clean-up event.

Councilman Goldsmith reported on topics discussed at the Planning Commission's April 7 meeting.

Mayor Hale reported that the Celebrate La Plata event went extremely well, that the bed races event was well received, and that the La Plata Business Association presented prizes to the three winners of their Round Robin contest.

There being no further business, Councilman Goldsmith moved to adjourn the regular meeting at 7:27 PM. Councilwoman Mudd seconded the motion and it passed by unanimous vote. Following a short break, the Town Council continued in work session to discuss the FY 2009-2010 budget.

### Budget Work Session

Following discussion, the Town Council agreed to the rates proposed in the fee schedule. Regarding the budget items for employees' compensation, the Town Council agreed to (1) try the new compensation plan for the next year; (2) 3.63% cost of living adjustment; (3) bring the seven affected employees up to the minimum of their new compensation plan; (4) adjust the compensation of the four affected employees whose salaries fall below where they could be anticipated by more than 15%.

There being no other discussion, Councilman Goldsmith moved to adjourn the budget work session at 10:50 PM. Councilman Lucas seconded the motion and it carried. Following a short break, the Council moved into closed session.

Submitted by:

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Judith T. Frazier  
Town Clerk