

Council of the Town of La Plata  
Town Hall, La Plata, Maryland  
Regular Meeting – 7:00 PM  
July 27, 2010

Present: Mayor Roy G. Hale, Councilman R. Wayne Winkler, Councilwoman Paretta D. Mudd, Councilman Joseph W. Norris; Daniel J. Mears, Town Manager; Danielle Mandley, Town Clerk

Town Staff: Robert W. Oliphant, Treasurer; Cassin B. Gittings, Chief, La Plata Police Department; David M. Jenkins, Director of Municipal Development; Bobby Stahl, Director of Operations

Minutes:

Mayor Hale called the meeting to order at 7:01 PM, and then led the Pledge of Allegiance.

#### Approval of June minutes

Councilman Norris moved to approve the minutes of the June 8 work session, June 8 special meeting, June 8 closed session, June 15 work session; June 22 regular meeting, and June 22, 2010 special work session. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

#### Treasurer's Report

Mayor Hale acknowledged that the June 2010 Treasurer's Report will be presented at a later date.

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

##### 1. Public Forum

Mark Abel, 305 Washington Avenue, requested information on the height ratio for a building under construction on Washington Avenue, and if Residential Maintenance Standards have been adopted. In response, Mr. Mears assured Mr. Abel that the building in questions was in conformance with the Town Code, and that the Design Review Board has not started discussion regarding Residential Maintenance Standards.

##### 2. La Plata Police Department (LPPD) monthly report – Chief Gittings

Chief Gittings reported on the department's activities during the month of June 2010.

Chief Gittings also reported on the increase in vehicle break ins, in the surrounding area, and advised the public to lock their vehicles, and remove valuables from vehicles.

3. La Plata Volunteer Fire Department monthly report –Chief Moore (No report)

Public Hearing:

Hearing 1: Ordinance No. 10-7 Senior Living Communities

Mayor Hale called the hearing to order and explained that the purpose of the hearing was to hear public comment on Ordinance No. 10-7 Senior Living Communities.

Mr. Mears briefly summarized the intent of Ordinance No. 10-7 Senior Living Communities.

The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the June 18, 2010, edition of the Maryland Independent newspaper.

Mayor Hale asked if anyone in the audience has written documents for the record, regarding Ordinance No. 10-7 Senior Living Communities. The Clerk entered into the record written correspondence from:

- Bruce and Lorie Fried, 110 Hawthorne Green Circle, dated July 9, 2010, in favor of including language requiring proof that the senior person is in need of a caregiver and,
- Brenda Wiles, Hawthorne Greene resident, dated July 22, 2010, in favor of the proposed Ordinance including language to allow an adult of 18 years of age and older to function as the caregiver.

Mayor Hale asked if anyone in the audience wished to speak regarding Ordinance No. 10-7 Senior Living Communities.

Caroline Beane, 236 Williamsburg Circle, President Hawthorne Green HOA, recommended amending the language to (1) require any caregiver be 21 years of age or older, and (2) require verification by a doctor or social worker of the need to have a caregiver, and (3) HOA's to enforce requirements of the code.

Laurie Hamilton, 117 Dulles Street, President Washington Square HOA, in favor of amending the language to (1) remove "an adult", and insert "21 years of age or older, (2) require verification of need for care (3) HOA's to police the code.

Bruce Fried, 110 Hawthorne Green Circle; requesting Town support to include the 21 years of age and older language, and verification of need for a caregiver recommendations. It was further stated that the HOA's are willing to "police" the code requirements.

Jean O'Neill, 229 Williamsburg Circle, spoke in favor of including language to change the age requirement for caregivers to 21 years of age and older, and requiring verification of

need for caregiver, and recommended changing the reference to “spouse”, to include others that may reside together.

Jim Goldsmith, 805 Washington Avenue, in favor on amending the Ordinance to include the language per previous comments, and made the statement that the Washington Square covenants would be amended to reflect Town Code.

Carl Ruble, 103 Madison Street, spoke in favor of making the changes recommended changes per the Washington Square Board so the HOA can “police” the requirements.

Brenda Wiles, 103 Madison Street, spoke in favor of not requiring verification of need of caregiver from a doctor.

Bruce Fried, 110 Hawthorne Green Circle, spoke again to confirm the recommendation to include language, requiring verification for need of care.

There being no speakers, Mayor Hale announced that the record would remain open for fourteen (14) days, until August 10, 2010, and closed the hearing at 7:39 PM.

### **Legislation**

**Resolution 10-11 Johel Limited Partnership and FCD-Development, LLC Annexation – 14.11 Acres** (for introduction) – 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; ratifying, confirming and validating an Annexation Agreement related to such annexation; and all matters relating to the annexation of such 14.11 acres of land, more or less, into the Town of La Plata.

**Resolution 10-12 Johel Limited Partnership and FCD-Development, LLC Annexation Plan – 14.11 Acres** (for introduction) – For the purpose of approving an Annexation Plan for the annexation of 14.11 acres, more or less, of land into the corporate limits of the Town of La Plata; and all matters relating to a plan for annexation of such 14.11 acres of land, more or less, into the Town of La Plata.

**Resolution 10-13 Approval of Annexation Agreement** (for introduction) – For the purpose of approving and authorizing the execution of a certain Annexation Agreement between the Town of La Plata, Johel Limited Partnership, FCD-Development, LLC, and others in connection with the annexation of 14.11 acres, more or less, of land into the corporate limits of the Town of La Plata; and all matters relating to the amendment of the Annexation Agreement.

**Resolution 10-14 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 discussed the Resolutions pertaining to the Johel Limited Partnership and FCD-Development, LLC Annexation Petition, and announced that a public hearing is scheduled for August 31, 2010, and the Annexation Plan would be delivered to the State and County for comment.

Mayor Hale read the purpose clause for Resolutions 10-11, 10-12, 10-13, and 10-14. Council consensus was to introduce the Resolutions as presented.

Unfinished Business (None.)

New Business

1. Commission Reports

- Councilman Winkler briefly reported on the agenda item to appoint an applicant to the Parks and Recreation Commission, and the intent to interview another applicant for the remaining vacancy.
- Councilwoman Mudd briefly discussed the recommendations of the Beautification Commission for the purchase of waste receptacles, and Town Boundary Signs.
- Councilman Norris reported on the Design Review Boards approval of the site plan and building design for Dairy Queen, and the impending site plan review of the Planning Commission.
- Mayor Hale announced the upcoming Town hosted events including:

**Friday Night Concert Series** continues each and every Friday night!  
Concerts are free and begin at 7 p.m.

Upcoming concerts:

July 23 – US Naval Academy Band – “Electric Brigade”

July 30 – Four of a Kind Band

August 6 – Rusty Spurs Bluegrass Band

August 13 – None the Wiser Band

August 20 – US Navy Band – “Country Current”

August 27 – Southern Maryland Concert Band

Screen on the Green: Saturday, August 21, 8:30 p.m. – “Up” rated PG

Upcoming Events: August 3 – 7-9 pm – National Night Out at La Plata Town Hall sponsored by LPBA

September 11; 12 noon – 4 p.m. – La Plata Chili Cook-off

October 9 – 8 am – 12 noon – Community Yard Sale

October 24 – 12 noon – 4 p.m. – Fall Festival

November 7 – 1:00 p.m. – Salute to Veterans Parade

- Councilwoman Mudd announced the National Night Out event to be held August 3, 2010, from 6:00 PM to 8:00 PM, at Town Hall, hosted by the La Plata Business Association.

2. Appointments to Boards and Commissions – Councilman Winkler

Councilman Winkler moved to approve the appointment of Victoria T. Kelly, to fill an unexpired term, until June 19, 2011, to the Parks and Recreation Commission. Councilman Norris seconded the motion and it passed by unanimous vote.

3. Beautification Commission recommendation: Town boundary signs

Councilwoman Mudd moved to approve the approve the Beatification Commission Recommendation for the purchase and installation of the Town Boundary, and Museum Signs, in the amount of eight thousand seven hundred sixty eight dollars (\$8,768). Councilman Winkler seconded, and following discussion the motion passed by unanimous vote.

4. Beautification Commission recommendation: Waste receptacles

Councilwoman Mudd moved to approve the approve the Beatification Commission Recommendation for the purchase of two (2) additional Waste Receptacles for the Town Hall Grounds, in the amount of one thousand five hundred sixty eight dollars (\$1,568). Councilman Norris seconded the motion and it passed by unanimous vote.

There being no further business, Councilman Winkler moved to adjourn the meeting at 8:02 PM. Councilman Norris seconded the motion and it passed by unanimous vote.

Submitted by:

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Danielle Mandley  
Town Clerk