

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
November 25, 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: Robert W. Oliphant, Treasurer; Cassin B. Gittings, Chief, La Plata Police Department

Pursuant to the requirement of Annotated Code of Maryland State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the Council of the Town of La Plata was held at 7:59 PM, Tuesday, October 28, 2008, 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; Joseph W. Norris, Treasurer

On a motion made by Councilman Lucas, 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)(14) – Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. The purpose of the meeting was to discuss a negotiation of contract to lease Town property to LifeStyles, Inc. Action taken: The Town Council reviewed the contract to lease Town property and directed the Town Manager on a course of action to take regarding what the Town will provide and regarding specific terms of the contract to lease Town property, and directed that the contract to lease Town property be reviewed by the Town Attorney. The meeting adjourned at 9:06 PM.

Minutes:

Mayor Hale called the meeting to order at 7:02 PM, and then led the Pledge of Allegiance.

Approval of October minutes

Councilman Goldsmith moved to approve the minutes of the October 14 work session, October 21 special meeting, October 21 work session, October 21 closed session, October 28 regular meeting and October 28 closed session. Councilman Lucas seconded the motion and it passed by unanimous vote.

Treasurer's Report

Mayor Hale introduced the Town's new Treasurer, Robert W. Oliphant, and acknowledged receipt of the Treasurer's Report dated October 31, 2008.

Petitions, Communications, Appearances and Public Forum

Mayor Hale acknowledged the presence in the audience of Boy Scouts from Troop 1799.

Recognition of Corporal Mark Powers and Officer First Class Harold Cunningham, La Plata Police Department

Mayor Hale and Chief Gittings presented plaques to Corporal Powers and Officer Cunningham expressing recognition and appreciation of their bravery and commitment to the citizens of the Town of La Plata, for their life-saving actions on October 11, 2008, when they responded to a report of a fire at La Plata Manor Apartments and removed an incapacitated occupant from the apartment in which the fire was located.

La Plata Police Department monthly report – Chief Gittings

Chief Gittings reported on the department's activities during the month of October, 2008, and on the Identity Theft Seminar held at the Police Station on November 20. Chief Gittings announced that (1) the siren test would be conducted on Saturday, December 6, 10:00 AM; (2) surveillance camera equipment is to be installed at Wills Park within two weeks; and (3) information-sharing meetings regarding the La Plata district are held on Monday mornings and are attended by representatives of the La Plata Police Department, Charles County Sheriff's Office and the Maryland State Police.

Public Forum (No speakers.)

Public Hearings

Ordinance 08-21 International Fire Code 2006 (For Introduction) – For the purpose of adopting the International Fire Code 2006, 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.

Mayor Hale called the hearing to order. Mr. Mears provided a brief explanation of the purpose of the hearing. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the November 5, November 12 and November 19, 2008 editions of the Maryland Independent.

Mayor Hale asked if anyone in the audience wished to speak. No one wished to speak. No written comments were received.

There being no speakers, Mayor Hale closed the hearing at 7:18 PM.

Ordinance 08-24 Approval of Cable Television Franchise Agreement with Verizon Maryland, Inc. (For Introduction) – For the purpose of approving a cable television franchise agreement with Verizon Maryland, Inc.; and all matters generally relating thereto.

Mayor Hale called the hearing to order. Mr. Mears provided a brief explanation of the purpose of the hearing. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the November 19, 2008 edition of the Maryland Independent.

Joseph J. Daniels, Assistant Vice President – External Affairs & Public Policy, Verizon Maryland, Inc., Lori Edwards, Cable Franchising Manager, Verizon/Herndon, Virginia, and Brian A. Johnson, Wiley Rein, LLP, were present to provide information regarding the cable franchise agreement and to answer any questions from the public and the Town Council:

- Brochure provided: “Maryland Verizon FiOS TV”
- Service connection available to 2,000 households by the end of this year.
- 500 digital television channels, all to be high definition by the end of this year; one public service channel.
- Free cable television service for nine Town buildings; free service to public schools being negotiated in the Charles County franchise agreement.

Mayor Hale asked if anyone wished to speak. No one wished to speak. No written comments were received.

There being no speakers, Mayor Hale closed the hearing at 7:23 PM.

Legislation

Ordinance 08-11 New Irrigation System Installation (*For Deferral to January 27, 2009 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.

Mr. Mears advised that the Green Building Committee was still reviewing the ordinance and hoped to finish in January.

Councilman Goldsmith moved to defer consideration of Ordinance 08-11 until the January 27, 2009 meeting. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Ordinance 08-14 International Building Code 2006 (For Adoption) – For the purpose of adopting the International Building Code 2006, 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 08-15 International Residential Code for One- and Two-Family Dwellings 2006 (For Adoption) – For the purpose of adopting the International Residential Code for One- and Two-Family Dwellings 2006, 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 08-16 International Electrical Code-Administrative Provisions 2006 (For Adoption)

– For the purpose of adopting the International Electrical Code-Administrative Provisions 2006, 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 08-17 International Mechanical Code 2006 (For Adoption) – For the purpose of

adopting the International Mechanical Code 2006, 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 08-18 International Energy Conservation Code 2006 (For Adoption) – For the

purpose of adopting the International Energy Conservation Code 2006, 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 08-19 International Fuel Gas Code 2006 (For Adoption) – For the purpose of

adopting the International Fuel Gas Code 2006, 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 08-20 International Existing Building Code 2006 (For Adoption) – For the purpose

of adopting the International Existing Building Code 2006, 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 08-21 International Fire Code 2006 (For Consideration of Adoption) – For the

purpose of adopting the International Fire Code 2006, 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.

Ordinance 08-22 International Plumbing Code 2006 (For Adoption) – For the purpose of

adopting the International Plumbing Code 2006, with certain modifications, as the plumbing 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 08-23 International Property Maintenance Code 2006 (For Adoption) – For the purpose of adopting the International Property Maintenance Code 2006, with certain modifications, as the property maintenance 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.

Councilman Lucas moved to adopt Ordinances 08-14, 08-15, 08-16, 08-17, 08-18, 08-19, 08-20, 08-21, 08-22 and 08-23. Councilman Goldsmith seconded the motion. Following discussion, the motion passed by unanimous vote.

Ordinance 08-24 Approval of Cable Television Franchise Agreement with Verizon Maryland, Inc. (For Consideration of Adoption) – For the purpose of approving a cable television franchise agreement with Verizon Maryland, Inc.; and all matters generally relating thereto.

Councilwoman Mudd moved to adopt Ordinance 08-24. Councilman Newman seconded the motion and it passed by unanimous vote.

Resolution 08-15 Charter Amendment – Elections (For Adoption) – For the purpose of amending the Charter of the Town of La Plata to clarify that nominees for election to the Town Council from each Councilmanic ward shall be elected by qualified voters of the entire Town beginning with the Primary election held in 2009; and all matters generally relating thereto.

Mr. Mears provided a brief explanation of the purpose of Resolution 08-15.

Councilman Newman moved to adopt Resolution 08-15. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Unfinished Business (None)

New Business

Adopt schedule of CY 2009 facilitated budget work sessions

Councilman Goldsmith moved to adopt the schedule of CY 2009 facilitated budget work sessions, to be held in the La Plata Town Hall from 5:30 PM to 8:30 PM, on Tuesday, January 13 (snow date: Thursday, January 15), Thursday, January 22, Thursday, January 29, and a 4th session, if necessary, on Wednesday, February 4 (snow date: Thursday, February 5.) Councilman Newman seconded the motion. Following discussion, the motion passed by unanimous vote.

Commission Reports

Councilwoman Mudd reported that the Beautification Commission would be putting up holiday decorations at the Town Hall next Tuesday.

Councilman Lucas reported on topics discussed at the Design Review Board's November meetings.

Councilman Goldsmith reported on topics discussed at the Planning Commission's November 4 meeting. Councilman Newman asked for an update on the open space/recreation area for Marshall's Choice, noting he would prefer it be left as open space rather than a recreation area. Councilman Goldsmith advised that Marshall's Choice has not come back to the Planning Commission yet.

Mayor Hale reported that two new businesses had opened: Starbucks and PNC Bank.

There being no further business, Councilman Goldsmith moved to adjourn at 7:40 PM. Councilman Lucas seconded the motion and it passed by unanimous vote.

Submitted by:

Judith T. Frazier
Town Clerk