

Council of the Town of La Plata

La Plata Town Hall

Tuesday, June 21, 2011, 7:00 PM

Business Meeting [*rescheduled from the cancelled June 28, 2011 business meeting*]

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

Town Staff: Robert W. Oliphant, Town Treasurer; Robert F. Stahl, Director of Operations; Theresa Dent, Senior Planner; David M. Jenkins, Director of Planning and Community Development

*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 8:12 PM, Tuesday, June 14, 2011, in the La Plata Town Hall.*

*Present: Mayor Roy G. Hale, Councilman R. Wayne Winkler, Councilman C. Keith Back, Councilwoman Paretta D. Mudd, Councilman Joseph W. Norris; Daniel J. Mears, David M. Jenkins, Danielle Mandley.*

*On a motion made by Councilman Back, 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 and matters directly related thereto. The purpose of the meeting was to discuss Appointment to Boards and Commissions. Action : The Council agreed to schedule a closed session June 21, 2011 for further discussion. The meeting adjourned at 9:13 PM.*

*A closed session of the Council of the Town of La Plata was held at 9:12 PM, Tuesday, June 21, 2011, 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, David M. Jenkins, Danielle Mandley*

*On a motion made by Councilman Norris, seconded by Councilman Back, 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 and matters directly related thereto. The purpose of the meeting was to discuss (1) Appointments to Boards and Commissions (2) Town Manager annual*

*employment evaluation. Action: (1) Councilman Norris moved to appoint Mayor Roy G. Hale to serve as the Council representative on the La Plata Town Center Corporation. Councilwoman Mudd seconded the motion and it passed by unanimous vote. (2) Council Consensus: Following discussion the Council agreed to schedule a closed session July 19, 2011 to discuss the completed evaluation forms. The meeting adjourned at 9:45 PM.*

Mayor Hall called the business meeting to order at 7:00 PM and led those in attendance in reciting the pledge of allegiance.

### Petitions, Communications, Appearances and Public Forum

#### 1. Public Forum

Gary Gasparovic, 100 Edelen Station Place, spoke in opposition to adoption of Ordinance No. 11-3 and requested consideration to the removal of “ultra urban” townhomes in the ordinance.

Michael Pavlik, Edelen Station, spoke in opposition to adoption of Ordinance No. 11-3, and requested further review by the Planning Commission.

Steve Scott, representing Concordia Development, made a request for the Council to defer consideration of Ordinance No. 11-3, until an agreement could be reached with the resident’s of Edelen Station.

Mary Hall spoke in opposition to the passage of Ordinance No. 11-3 due to the potential effect on the resident senior citizens.

Vila Zverina, 100 Edelen Station Place, Unit 203, spoke in opposition to the passage of Ordinance No. 11-3.

Donna Gasparovic, 100 Edelen Station Place, Unit 204, spoke in opposition to Ordinance No. 11-3.

Tonia Isaacs, 200 Edelen Station Place, unit 205, spoke in opposition to the passage of Ordinance No. 11-3.

Beverly Stone, spoke in opposition to Ordinance No. 11-3.

Alberta Pellecchia, 100 Edelen Station Place, unit 203, spoke to oppose the passage of Ordinance No. 11-3.

Mary Jo Cumberland, 200 Edelen Station Place, unit 305, spoke to oppose Ordinance No. 11-3.

Michael J. Runfola, 113 Morris Drive, spoke to request information regarding the status of the Heritage Green amenities package, Heritage Green Parkway, and the Golf Course.

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

Chief Gittings reported on the department's activities during the month of May 2011

Chief Gittings also reported the crime clearance rate, the number of accident reports, the training of two (2) additional bike patrol officers, and the reminder for the community to reduce speed on neighborhood streets.

3. La Plata Volunteer Fire Department monthly report [No report]

**► Legislation**

**Ordinance No. 11-3 Central Business Transition District and Single-Family Attached Dwelling Units** (for consideration of adoption)– For the purpose of comprehensively revising zoning regulations relating to the Town's existing Central Business Transition District and single family attached dwelling units.

Mr. Mears briefly described the changes incorporated in Ordinance No. 11-3.

Councilwoman Mudd recused herself from the vote on Ordinance No. 11-3.

Councilman Back moved to Ordinance No. 11-3 Central Business Transition District and Single-Family Attached Dwelling Units. Following discussion, Councilman Norris seconded the motion. Vote on the motion: Mayor Hale, Councilman Norris, and Councilman Back voted aye; Councilman Winkler voted nay, the motion passed by majority vote .

**Ordinance No. 11-6 Business Options Visa Card Account with PNC Bank, N.A** (for consideration of adoption) – for the purpose of authorizing the Town of La Plata to enter into a commercial credit card account relationship with PNC Bank, N.A. and appointing Authorized Persons to enter into, execute and deliver on behalf of the Town of La Plata agreements, documents or other instruments to PNC Bank, N.A. regarding the commercial credit card account relationship; and all matters relating to said commercial credit card account relationship with PNC Bank, N.A.

Mr. Mears briefly explained the commercial credit card account relationship.

Councilman Winkler moved to adopt Ordinance No. 11-6. Councilman Norris seconded the motion and it passed unanimously.

**Resolution No. 11-8 Authorization for Town Manager to Enter into a Contract for Construction of Tilghman Lake Park Restroom Facility** (for introduction and consideration of adoption) – For the purpose of authorizing the Town Manager to execute and deliver, on behalf of the Town of La Plata, a contract for construction of Tilghman Lake Restroom Facility.

Mr. Mears described the contract associated with the Tilghman Lake restroom facility project.

Councilwoman Mudd moved to approve Resolution No. 11-8. Councilman Winkler seconded the motion and it passed unanimously.

**Emergency Ordinance No. 11-11 Amendment to Town of La Plata FY2010-2011 Financial Plan/Budget** (for introduction and consideration of adoption) – For the purpose of amending the Town of La Plata FY2010-2011 Financial Plan/Budget; and all matters generally relating thereto.

Adjourn Business Meeting

Mr. Mears provided a summary of the budget amendments contained in attachment one to Ordinance No. 11-11.

Councilman Norris moved to suspend the provisions of Town Charter § C6-4 Ordinances, to adopt this as an emergency ordinance.

Councilman Back moved to adopt Emergency Ordinance No. 11-11. Councilman Winkler seconded the motion and it passed unanimously.

**Resolution 11-7 Authorization for Town Manager to Enter into an Agreement for the Acquisition of a Vacuum/Excavation System** (for introduction and consideration of adoption) – For the purpose of authorizing the Town Manager to execute and deliver, on behalf of the Town of La Plata, a contract for the acquisition of a Vacuum/Excavation System.

Mr. Mears described the acquisition of a vacuum/excavation system using FY2010-2011 appropriated funds.

Councilman Winkler moved to adopt Resolution 11-7. Councilman Norris seconded the motion. Following discussion the motion passed unanimously.

**Ordinance No. 11-12 Amendments to the Town of La Plata Central Business District Community Design Guidelines and to the Town of La Plata Commercial Highway District Community Design Guidelines** (for introduction) – For the purpose of amending the Town of La Plata Central Business District Community Design Guidelines and the Town of La Plata Commercial Highway District Community Design Guidelines; and all matters relating to said guidelines.

Mr. Mears provided background information regarding the recommendation from the Design Review Board to amend the Community Design Guidelines.

**Resolution No. 11-9 Independent Auditor Services** (for introduction and consideration of adoption) – For the purpose of hiring an independent auditor to perform the Town's annual audit and provide financial/accounting advice on an as needed basis.

Mr. Mears summarized the request for proposal (RFP) and scoring, which resulted in a staff recommendation to award a contract to Reznick Group.

Councilman Norris moved to adopt Resolution No. 11-9 Independent Auditor Services. Councilman Winkler seconded the motion and it passed by unanimous vote.

**Resolution No. 11-10 Property Insurance Provider** (for introduction and consideration of adoption) – For the purpose of securing Property Insurance coverage.

Mr. Mears provided information regarding the property insurance quote and corresponding Resolution for the Council's consideration.

Councilman Winkler moved to adopt and approve Resolution No. 11-10 Property Insurance Provided. Councilman Back seconded the motion and it passed unanimously.

**Resolution No. 11-11 Approval of Annexation Agreement and Amendment to Existing Annexation Agreement** (for introduction) – For the purpose of approving and authorizing the execution of a certain Amended and Restated Annexation Agreement and Amendment to Existing Annexation Agreement between the Town of La Plata, Johel Limited Partnership, FCD-Development, LLC, and others in connection with the annexation of 14.111 acres, more or less, of land into the corporate limits of the Town of La Plata; which may include certain amendments to that certain existing Annexation Agreement, dated June 13, 2006, by and between the Town and Faison-Rosewick LLC., et. al.; and all matters relating to the Amended and Restated Annexation Agreement and Amendment to Existing Annexation Agreement.

**Resolution No. 11-12 Johel Limited Partnership and FCD-Development, LLC Annexation – 14.111 Acres** (for introduction) – For the purpose of authorizing the annexation of 14.111 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 14.111 acres of land, more or less, into the Town of La Plata.

**Resolution No. 11-13 Johel Limited Partnership and FCD-Development, LLC Annexation Plan – 14.111 Acres** (for introduction) – For the purpose of approving an Annexation Plan for the annexation of 14.111 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 14.111 acres of land, more or less, into the Town of La Plata.

**Resolution No. 11-14 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 Existing Annexation Agreement.

Mr. Mears explained the Johel Limited Partnership and FCD-Development, LLC., petition for annexation, the related resolutions for introduction, and the annexation process that will include two (2) public hearings.

### **► Unfinished Business**

Councilman Winkler requested information regarding the staff use of the new electronic devices for meeting packets. Mr. Mears responded to explain that staff purchased the devices in advance of the Council to ensure they would be efficient tools for meeting packet delivery, and to learn the various functions of the devices to enable staff to provide training when the Council receives them in the new fiscal year.

### **► New Business**

#### 1. Commission Reports

Councilman Winkler reported on the Parks and Recreation meeting and the discussion of Tilghman Lake Park.

Councilman Back reported on the Planning Commission items of discussion, which included the Johel zoning request, comments regarding the draft Plan Maryland document, and his intention to attend the Plan Maryland round table discussion at the MML convention.

Councilwoman Mudd discussed the Beautification Commission's installation of bench benches on the front and side Town Hall porches, the intent to research options for picnic tables behind Town Hall, and the Beautification Grants.

Councilman Norris discussed the various projects for consideration by the Design Review Board, including; Southern Maryland Oil perimeter fence and, Outback Steakhouse façade enhancements.

Mayor Hale thanked the Design Review Board for the work on amending the Design Guidelines.

Mayor Hale reported that there was no La Plata Business Association meeting, reviewed the Events Schedule, and briefly discussed the Vision Plan and the La Plata Town Center Corporation.

#### 2. Motion for Closed Session

Councilman Norris 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

Subject: 1. Appointments to Boards and Commissions

## 2. Town Manager Annual Evaluation

Councilman Back seconded the motion. Roll call vote: Mayor Hale, Councilman Winkler, Councilman Back, Councilwoman Mudd and Councilman Norris voted aye. The motion passed unanimously.

There being no further business to discuss, the meeting was adjourned at 7:54 p.m. to convene in the scheduled work session.

Submitted by:

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Danielle Mandley, Town Clerk