

Council of the Town of La Plata  
La Plata Town Hall  
Tuesday, August 23, 2011, 7:00 p.m.  
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, Treasurer; Cassin B. Gittings, Chief, La Plata Police Department; David M. Jenkins, Director of Municipal Development;

Guests: Beautification Commission: Judy Norris, Chair; Rose Goldsmith, Helen Lucas

*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 9:12 PM, Tuesday, July 26, 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. [Mr. Mears and Mr. Jenkins were in attendance for discussion for 2. Appointments to Boards and Commissions and took leave when discussion regarding 1. Town Manager Annual Evaluation commenced.]*

*On a motion made by Councilman Norris, seconded by Councilman 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 (1) Appointments to Boards and Commissions (2) Town Manager annual employment evaluation. Action: Offer a bonus based on a percentage of the annual salary. The meeting was adjourned at 9:30 p.m.*

*A closed session of the Council of the Town of La Plata was held at 8:01 PM, Tuesday, August 9, 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. [Mr. Mears and Mr. Jenkins were in attendance for discussion for 1. Appointments to Boards and Commissions and took leave when discussion regarding 2. Town Manager Annual Evaluation commenced.]*

*On a motion made by Councilman Norris, seconded by Councilman Winkler, 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) Motion to appoint the final member to the La Plata Town Center Board of Directors (2) Offer a bonus based on a percentage of the annual salary to the Town Manager and Town Treasurer. The meeting was adjourned at 8:10 p.m.*

Minutes:

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

### Approval of July Minutes

Councilman Back moved to approve the minutes of the July 12 joint meeting with the Planning Commission, July 12 work session, July 19 special meeting, July 19 work session, July 19 closed session, and July 26 business meeting. Councilwoman Mudd seconded the motion and it passed unanimously.

### Petitions, Communications, Appearances and Public Forum

#### 1. Public Forum

Michael J. Runfola, 113 Morris Drive, La Plata, spoke regarding the amenities packages proposed by Heritage Green, the history of the golf course, the agreement, the referendum, waiver for senior housing, Parks and Recreation Plan flaws, and the made a request for the Council to not vote for a substitution of the golf course in the an amended annexation agreement.

#### 2. Beautification Grant Awards – Beautification Commission

The La Plata Beautification Commission presented Hawthorne Greene HOA, for the Embankment Project and Hickory Ridge HOA, for the Huckleberry Hill Restoration Project with a grant funds award in the amount of five hundred dollars (\$500.).

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

Chief Gittings reported on the department's activities during the month of July, 2011. The report included information regarding (1) 50% crime clearance rate (2) the success of National Night Out (3) a reminder to drive with care when school starts.

#### 4. La Plata Volunteer Fire Department monthly report – *Chief Gilroy not present [the report was received by email prior to the meeting]*

1. Notice of scheduling of Public Hearing, and additional Public Hearing, for September 13, 2011, 7:00 PM:

**Petition for Annexation**

Petitioner: Johel Limited Partnership, and FCD-Development, LLC

Proposed Use: Retail and Office space

Requested Zoning: C-H Commercial Highway Zoning District

Current County Zoning: CC Community Commercial

**► Legislation**

**Ordinance 11-13 NEW ETHICS ORDINANCE** (for introduction) - for the purpose of enacting a new ethics ordinance for the Town of La Plata to comply with requirements of Maryland law; to provide for the applicability of the provisions of the ordinance; to define certain terms; to provide for a Town Ethics Commission and to provide that the members of the current Ethics Commission will continue to serve as the new Ethics Commission for a certain duration; providing for the duties, responsibilities and operation of the Commission; to provide regulations relating to conflicts of interest, financial disclosure by Town elected officials, candidates for elective Town office, and certain Town employees, and lobbying disclosure; to provide for certain exemptions and modifications to certain provisions of the ordinance; providing for enforcement of the terms of the ordinance and penalties for violations; providing for the effective date of this ordinance; and generally relating to the enactment of new regulations intended to ensure ethical conduct by Town officials and employees and appropriate disclosure by candidates for Town elective office.

Mr. Mears briefly described the proposed changes to the Town's Ethics Ordinance and the State requirements for Municipalities to adopt provisions to meet or exceed those adopted by the State.

**Ordinance No. 11-14 Refuse Storage Containers and Location of Containers** (for introduction) – for the purpose of revising the Town's existing Health and Sanitation regulations; altering certain purposes of the regulations; correcting certain terminology; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Mr. Mears summarized the proposed changes to the Town's existing Health and Sanitation regulations, necessitated by the new automated trash collection system.

**Amended 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 consideration of adoption) – 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 described the Design Review Boards desire to amend to Community Design Guidelines for the purpose of updating the language and pictures, to demonstrate La Plata projects.

Councilman Norris moved to adopt Amendments 1 through 3 to Ordinance No. 11-12. Councilman Winkler seconded the motion and it passed unanimously.

**Amendment No. 1 to Ordinance No. 11-12**

Line 21, strike “**WHEREAS**, on \_\_\_\_\_, 2011, the Town Council held a public hearing on the amendments to the Town of La Plata Central Business District and Central Business Transition District Community Design Guidelines and to the Town of La Plata Commercial Highway District Community Design Guidelines; and”

**Amendment No. 2 to Ordinance No. 11-12**

Line 37, insert “August”, immediately following “Guidelines,”

**Amendment No. 3 to Ordinance No. 11-12**

Line 38, insert “August”, immediately following “Guidelines,”

Councilman Winkler moved to adopt Ordinance No. 11-12, as amended. Councilman Back seconded the motion and it passed by unanimous vote.

**► Unfinished Business** *[None]*

**► New Business**

- Commission Reports

Councilman Winkler reported on the Parks and Recreation Commission meetings with Charles County to go over projects, and GP Homes.

Councilman Back reported on the Planning Commission comments regarding Johel petition for annexation and the recommendation for C-H zoning, and the review of the draft Plan Maryland.

Councilwoman Mudd reported that the Beautification Commission did not meet during July and August and that fall bulb planting will begin in October.

Councilman Norris reported that the next Design Review Board meeting will be September 7, 2011.

Mayor Hale reported that the La Plata Business Association did not meeting in August, and discussed the tremendous turnout for the summer concerts.

- Appointment to the Design Review Board

Councilman Norris moved to appoint Reginald Kearney, to fill an unexpired term on the Design Review Board, until October 26, 2013. Councilman Back seconded the motion and it passed.

Councilman Winkler moved to adjourn the business meeting. Councilwoman Mudd seconded the motion and it passed by unanimous consent.

Submitted by:

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Danielle Mandley, Town Clerk