

Council of the Town of La Plata  
Town Hall, La Plata, Maryland  
Work Session – 7:00 PM  
July 20, 2010

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; Michelle D. Miner, Assistant Town Manager; Danielle Mandley, Town Clerk; Frederick C. Sussman, Town Attorney.

Chairman Rich Gilpin, Debra W. Posey, Mary Grant – Planning Commission members; Cathy Flerlage, Director of Planning and Zoning.

Town Staff: Robert W. Oliphant, Treasurer

Guests: See Roster

Minutes:

Call to Order

Mayor Hale called the meeting to order at 7:05 PM.

### **Matters of Council Discussion**

- Johel Limited Partnership and FCD-Development, LLC  
Supplement to Annexation Petition – La Plata Crossing / Walmart Supercenter

Mr. Kleine, representing the Petitioner, provided a synopsis for the benefit of the Planning Commission including the draft Annexation Agreement, describing the itemized sustainable features; draft Annexation Plan and; the intent for the existing Walmart to remain open until the opening of the new store.

Mr. Mears provided an overview of the Johel Annexation items, as requested by Council consensus at the July 13, 2010 work session. The Annexation items include:

- Landscape Elements

Mr. Duke, representing the Petitioner, briefly described the Petitioners response regarding the Town's suggested landscape elements.

Council consensus: Following discussion, the Town Council agreed to include language in the proposed draft Annexation Agreement, per the mark up of the document "Landscape Elements:", and that allows for a landscape plan that exceeds Town Code.

- Contribution to the La Plata Community Foundation

Council consensus: Following discussion, the Town Council agreed to include language in the proposed draft Annexation Agreement requiring a donation to the La Plata Community Foundation of fifty thousand dollars (\$50,000), payable within ninety days (90) of site plan approval. It was further agreed that any permits associated with the project would be withheld until the donation was paid.

- Transportation improvements or economic analysis

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Council consensus: Following discussion, the Town Council agreed to include language for in the proposed draft Annexation Agreement to include the provision of seventy-five thousand dollars (\$75,000) for transportation and/or Vision Plan projects. It was further agreed that the stipulation that the seventy-five thousand dollars (\$75,000) would be payable within 90 days of site plan approval, and any permits associated with the project would be withheld until the funds were received.

- ASHRAE Standard 189.1 Green Building Code

Council consensus: Following discussion, the Town Council agreed to include language to require the Wal-Mart to be constructed in accordance with the ASHRAE Standard 189.1 Green Building Code, with the provision that if there were any conflict with the Town Code the more restrictive standard would apply. It was also agreed that, a twenty-five thousand dollar (\$25,000) fee would be payable prior to the issuance of the first building permit, to be used by the Town to hire a consultant to determine the compliance with the green building code.

- Vacancy fee penalty

Council consensus: Following discussion, the Town Council agreed to consider a reasonable counter offer from the Petitioners regarding the three tiers of Vacancy Fee Penalties, as presented to the Petitioners on July 14, 2010.

Following a short break the work session reconvened at 8:53 PM.

In response to the Council and Planning Commission members questions the Petitioners provided the following information:

- The proposed Wal-Mart is 40,000 square feet larger than the existing store, to accommodate the grocery and deli.
- The proposed draft Annexation Agreement includes a restriction regarding outside sales, of which will be housed in the Garden Center.
- There are other 140,000 square foot Wal-Marts and smaller supercenters.
- La Plata is a desirable location with a solid market.
- A continuing contribution to the La Plata Community Foundation, as proposed by the Council, is not feasible due to the budget structure of the store management.

- The project would be submitted to the State Highway Administration for review, and any concerns with traffic at the Route 301, and Rosewick Road intersection would be addressed per their recommendation.
- The Petitioners would arrange a tour of a Wal-Mart Supercenter upon request.

Council and Planning Commission Consensus: Following discussion the Council and Planning Commission members agreed to contact the La Plata Business Association, and Charles County Chamber of Commerce to provide the business community with the information regarding the Public Hearing for the Johel Limited Partnership and FCD-Development, LLC, Petition for Annexation.

Council Consensus: Following discussion the Council agreed to introduce the Resolutions, at the July 27, 2010 Regular Meeting, for the Johel Limited Partnership and FCD-Development, LLC, Petition for Annexation.

### **Matters of Information**

Mr. Mears briefly discussed the request for support from Chief Jason Moore of the La Plata Volunteer Fire Department, for the installation of a traffic signal at the intersection of Washington Avenue and Shining Willow Way, and a flashing yellow signal in front of the Fire Station.

Council Consensus: Following discussion the Council agreed to have staff draft a letter of support for the review of the intersection in question by Traffic and Safety Board.

### **Future Work Session Topics** (None)

There being no further business, Councilman Winkler moved to adjourn the meeting at 9:43 PM. Councilman Norris seconded the motion and it passed by unanimous vote.

Submitted by:

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Danielle Mandley  
Town Clerk