

Council of the Town of La Plata
Town Hall, La Plata, Maryland
Regular Meeting – 7:00 PM
August 31, 2010 [*Rescheduled from August 24, 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; 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; Planning and Zoning Assistant; Frederick C. Sussman, Town Attorney

Guests: See Roster

Minutes:

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

Approval of July minutes

Councilman Back moved to approve the minutes of the July 13 work session, July 20 session; and the July 27 regular meeting. Councilman Norris seconded the motion and it passed by unanimous vote.

Treasurer's Report [Report not available]

Petitions, Communications, Appearances and Public Forum

1. Public Forum

Michael J. Runfola, 113 Morris Drive, La Plata, Maryland 20646-4254, spoke regarding the Council Column item by Councilman Winkler in the August/September edition of the Town Notes, concerning a comment on the Heritage Green golf course. Mr. Runfola stated that he believes the annexation would not have passed if it was not for the golf course amenity. Councilman Winkler responded by clarifying that his intent was to illicit response from the community.

John S. Taylor, Jr., 309 Prince Georges Street, La Plata, Maryland 20646, spoke concerning the removal of the bollards between Edelen Station and Prince Georges Street, requesting for the bollards to be replaced to stop excessive traffic.

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

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

Chief Gittings also reported on Graffiti at various locations around town, and the arrest by La Plata Police officers, of a Bank robbery suspect.

3. La Plata Volunteer Fire Department monthly report

Chief Moore submitted the monthly report by email prior to the meeting, and was not present.

Public Hearings:

Hearing: Johel Limited Partnership and FCD-Development, LLC
Petition for Annexation, and Amendment of the Rosewick Annexation Agreement and Supplements to Petition for Annexation - La Plata Crossing / Walmart Supercenter.

Resolution 10-11 Johel Limited Partnership and FCD-Development, LLC Annexation – 14.11 Acres (Introduced July 27, 2010) – 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 (Introduced July 27, 2010) – 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 (Introduced July 27, 2010) – 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 (Introduced July 27, 2010) – 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.

Mayor Hale called the hearing to order and explained that the purpose of the hearing was to hear public comment on Johel Limited Partnership and FCD-Development, LLC Petition for

Annexation, and Amendment of the Rosewick Annexation Agreement and Supplements to Petition for Annexation - La Plata Crossing / Walmart Supercenter. The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the July 30, 2010 and August 6, 2010, editions of the Maryland Independent newspaper.

Mayor Hale called on the Petitioner and Representatives to make a presentation for those present, describing the nature of the project.

Mayor Hale acknowledge the written recommendation from the La Plata Planning commission, contained in a memorandum dated August 26, 2008, in which they recommend that the Town Council zone the property C-H Commercial Highway, if the property is annexed, and the Clerk entered the recommendation into the record.

Mayor Hale asked if anyone in the audience has written documents for the record, regarding Johel Limited Partnership and FCD-Development, LLC Petition for Annexation, and Amendment of the Rosewick Annexation Agreement and Supplements to Petition for Annexation - La Plata Crossing / Walmart Supercenter. The Clerk entered into the record written correspondence from:

- George Hedrick, 711 Clarks Run Road, La Plata, in favor of a new Wal Mart and other stores at the corner of 301 and Rosewick Road, due to the creation of more jobs, cheaper prices due to competition, and more tax revenue for the Town.

Mayor Hale called on representatives from Maryland State Planning, and Charles County Planning to present their comments regarding the Petition for Annexation. [No representatives were present]

Mayor Hale asked if anyone in the audience wished to speak regarding Johel Limited Partnership and FCD-Development, LLC Petition for Annexation, and Amendment of the Rosewick Annexation Agreement and Supplements to Petition for Annexation - La Plata Crossing / Walmart Supercenter.

- Richard Gilpin, 1201 Cornwall Drive, La Plata, Maryland: Mr. Gilpin spoke in opposition to the proposed annexation and development of a Super Wal-Mart, due to inconsistencies' with the Comprehensive Plan, and land use. It was further stated that the proposed land use would draw people away from downtown, and existing businesses would suffer.
- David Lynch, 401 Washington Ave., Towson, Maryland; Jim Jarboe, 9270 Crescent Lane, La Plata, Maryland: Mr. Lynch, followed by Mr. Jarboe, representing the United Food and commercial Workers Union Local 400, spoke in opposition to the proposed annexation due to the negative impact the project will have on existing union grocery store workers, and that the project would not be approved outside of the Town due to the County Code having restrictions on "Big Box" development.
- Cornell Posey, P.O. Box 43, Nanjemoy, Maryland, spoke in favor of the proposed Wal-

Mart due to the increase in jobs and encouraged the developers to keep the associated contracts with local businesses.

There being no other speakers, Mayor Hale announced that the record would remain open for comment for fourteen (14) days.

Legislation

Amended Ordinance No. 10-7 Senior Living Communities (For consideration of Adoption) – For the purpose of revising the Town’s existing senior living communities regulations; defining and altering the definition of certain terms; altering certain purposes of the regulations; and all matters generally relating thereto.

Mr. Mears summarized the proposed changes to Senior Living Communities, as included in the Ordinance for consideration.

Councilman Norris moved to adopt amendments No. 1 through No. 14 to Ordinance No. 10-7. Councilman Winkler seconded the motion, following discussion the motion passed by unanimous vote.

Amendments to Ordinance No. 10-7 **Senior Living Communities**

[For the purpose of defining and altering the definition of certain terms, and correcting certain terminology.]

Amendment No. 1

On page 1, line 7, insert, “correcting certain terminology; providing that the provisions of this Ordinance are severable;” immediately following “regulations;” to read as follows:

FOR the purpose of revising the Town’s existing senior living communities regulations; defining and altering the definition of certain terms; altering certain purposes of the regulations; correcting certain terminology; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

Amendment No. 2

On page 1, line 12, insert, “B.

Amendment No. 3

On page 1, line 20, insert “A., B., 1K.(2) and (4), and M., and N.

Amendment No. 4

On page 1, line 24 insert, “B.” immediately following Section 191-3.
Line 25, strike “supplements”, and insert “Supplements”.
Line 25, strike “they are”, and insert “it is”, to read as follows:

Amendment No. 5

On Page 1, line 28, insert "Chapter 191 – ZONING".

Amendment No. 6

On Page 2, line 32, insert 191-3 B.

Amendment No. 7

On page 2, immediately following line 32, insert, "ACCESSORY USE, STRUCTURE OR BUILDING" (for clarification as to the location for the new definition "ADULT" within the existing Code), and insert the definition "ADULT", to read as follows:

ADULT—A PERSON WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE

Amendment No. 8

On page 2, immediately following line 36, insert, "SENIOR LIVING COMMUNITIES"; immediately following "life care facilities for", strike "the elderly"; insert "SENIOR"; immediately following "assisted living facilities for", strike "the elderly"; insert "SENIOR", to read as follows:

SENIOR LIVING COMMUNITY -- residential communities where occupancy is restricted to ((elderly)) SENIOR persons. Uses within a "senior living community" shall be limited to one (1) or more of the following:

- (1) single-family attached dwellings;
- (2) single-family detached dwellings;
- (3) two-family dwellings;
- (4) multifamily dwellings;
- (5) life care facilities for ((the elderly)) SENIOR persons; and
- (6) assisted living facilities for ((the elderly)) SENIOR persons.

Nursing homes are not allowed in a senior living community unless to provide nursing care as an integral part of a life care facility for the elderly.

Amendment No. 9

On page 2, immediately following line 38, insert "****".

Amendment No. 10

On page 2, line 39, strike "Section"; insert "Sections"; ~~strike 191-46.2~~; insert 191-46.2A., B., K (2) and (4), M.(1), (2), (3), (4), and N.

Amendment No. 11

On page 2, immediately following line 42, insert, "CHAPTER 191 – ZONING"; "ARTICLE V. SPECIAL PROVISIONS"; insert "191-46.2 Senior living communities"; insert "A."; immediately following "of", strike "elderly", insert "SENIOR"; insert "B.", immediately following "by", strike "elderly", insert "SENIOR"; insert "K.", insert "K. (2)", immediately

following “senior”, strike “housing”, insert “LIVING”; insert “K. (4)”, immediately following “senior”, strike “housing:”, insert “LIVING”.

Amendment No. 12

On page 2, line 56, immediately following “for”, strike “the (“”, immediately following “SENIOR”, insert “PERSONS”.

Amendment No. 13

On page 2, line 67, immediately following “ADULTS”, strike “RELATED OR Unrelated by blood or marriage to ((an elderly)), A SENIOR person, and is”.

Amendment No. 14

On page 3, line 81, strike “(((a) The ((elderly SENIOR person and spouse divorce;)))”, line 83, strike “(a) (((b))) The ((elderly))”, insert “THE”.

Councilman Winkler move to adopt Ordinance No. 10-7. Councilman Norris seconded the motion and it passed by unanimous vote.

Resolution 10-15 Surplus Vehicles and Materials (for introduction and consideration of Adoption) – For the purpose of determining that certain vehicles, and materials owned by the Town are no longer needed for public use and authorizing the Town Manager to dispose of such surplus vehicles, and materials; and all matters generally related to the disposition of such surplus vehicles, and materials.

Mr. Mears briefly described the surplus vehicles and materials as included in the resolution for consideration.

Councilman Back moved to adopt Resolution 10-15 Surplus Vehicles and Materials. Councilwoman Mudd seconded the motion and it passed by unanimous vote.

Resolution 10-16 Support for petitioning the Administration and the Maryland General Assembly to reinstate State shared revenues (for introduction and consideration of Adoption) – For the purpose of petitioning the Administration and the Maryland General Assembly to reinstate State shared revenues diverted from Municipal Governments to fund operations of the State and to provide more diverse revenue raising authority to Municipalities.

Mr. Mears described the Maryland Municipal Leagues request that all Maryland Municipalities support their efforts regarding the reinstatement of State shared revenues.

Councilman Norris moved to adopt Resolution 10-16 Support for petitioning the Administration and the Maryland General Assembly to reinstate State shared revenues. Councilman Back seconded the motion, following discussion the motion passed by unanimous vote.

Resolution 10-17 Award of Bid 10-01, La Plata Sidewalk/ADA Replacement Program (for introduction and consideration of Adoption) – For the purpose of accepting and awarding of a certain bid submitted by APF Construction, 20475 Point Lookout Road, Great

Mills, Maryland for the La Plata Sidewalk/ADA Replacement Program; and all matters relating to acceptance of such bid, and using funds from the American Recovery and Reinvestment Act of 2009.

Mr. Mears described the purpose of Resolution 10-17, and that the project and bid information will be submitted to the State Highway Administration for review and approval.

Councilman Winkler moved to adopt Resolution 10-17 Award of Bid 10-01, La Plata Sidewalk/ADA Replacement Program. Councilman Norris seconded the motion and it passed by unanimous vote.

Unfinished Business (None.)

New Business

1. Commission Reports

Councilman Winkler reported on the Parks and Recreation Commission, discussing the recommendation for appointment to fill the last remaining vacancy, and the parks survey.

Councilman Back reported on the Planning Commission public hearing on Proposed Planned Redevelopment and Infill District (PRID) Master Site Development Plan Application: Ashraf Medical Clinic – 6 Oak Avenue, and the Final Site Development Plan for Dairy Queen.

Councilwoman Mudd reported that the Beautification Commission agreed to discontinue meetings for two (2) months, which will resume in September.

Councilman Norris reported on the actions of the Design Review Board, discussing the modified approval of lighting at Wendy's.

Mayor Hale announced that Panera Bread was scheduled to open September 1, 2010, and that the La Plata Business Association held a brief meeting.

2. Appointments to Boards and Commissions – Councilman Winkler

Councilman Winkler moved to the appointment of Keysha Payton, to fill an unexpired term, until March 25, 2012 on the Parks and Recreation. Councilman Norris seconded the motion, following discussion the motion passed by unanimous vote.

3. Upcoming Events – Mayor Hale

Mayor Hale announced the upcoming events including:

- Friday, September 3 – 7PM Summer Concert Series - Sons of Pirates Band
- The Friday Summer Concert Series continues through the end of September

- Saturday, September 11 - 12:00pm, Chili Cook Off

There being no further business, Councilman Winkler moved to adjourn the meeting at 8:14 PM. Councilman Back seconded the motion and it passed by unanimous vote.

Submitted by:

Danielle Mandley
Town Clerk