

Council of the Town of La Plata
La Plata Town Hall
Tuesday, September 13, 2011, 7:00 p.m.
Special 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; David M. Jenkins, Director of Municipal Development; Frederick C. Sussman, Town Attorney

Minutes:

Mayor Hale made an announcement to silence cell phones, and called the special meeting to order at 7:00 PM, and then led the Pledge of Allegiance.

► Legislation

- Motion to substitute pending Resolutions, and attachments, which were introduced June 21, 2011.

Resolution No. 11-11a Approval of Annexation Agreement and Amendment to Existing Annexation Agreement – 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. 11-12a Johel Limited Partnership and FCD-Development, LLC Annexation – 14.111 Acres (for supplement) – 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. 11-14a Amendment of the Rosewick Annexation Agreement (for supplement) – 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.

Councilman Back moved to substitute for pending Resolution 11-11, Resolution 11-12, Resolution, and Resolution 11-14, and attachments, originally introduced June 21, 2011, for Resolution 11-11a, Resolution 11-12a, and Resolution 11-14a, and attachments, which have been made available for public review and comment prior to and during the public hearing. Councilman Winkler seconded the motion and it passed by unanimous vote.

► Public Hearing

- **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

Mayor Hale briefly described the requirement to hold an additional public hearing to adhere to the public notice requirements, and called the hearing to order, and explained that the purpose of the hearing was to hear public comment on Petition for Annexation, Johel Limited Partnership, and FCD-Development, LLC, and reviewed the Public Hearing Procedures. The Clerk entered into the record the Certification of Publication of two (2) separate hearing notices, which were properly advertised in the August 19, and August 26, 2011 editions of the Maryland Independent newspaper.

Mayor Hale invited the representatives of the petitioner to the microphone at the podium to make their presentation.

Stephen H. Scott, Thomas Klein, and Howard Biel, requested that all evidence and testimony from the record of the July 5, 2011 Planning Commission hearing and the July 26, 2011 Town Council hearing be included for the record, and provided a power point presentation regarding the various aspects of the petition for annexation and the proposed project. Additional testimony from the July 26, 2011 hearing record was noted, including the comprehensive plan testimony, the number of speakers that were in favor of the annexation approval, and a request for consideration regarding the number of comments received compared to the number received that are Town Residents.

Mayor Hale called for questions of the Council. There were no questions.

Mayor Hale asked if anyone in the audience has written documents for the record, regarding the Petition for Annexation, Johel Limited Partnership, and FCD-Development, LLC. The clerk entered for the record the list of written correspondence that has been received to date:

1. An email from Stephanie McCaslin, dated September 9, 2011, in opposition to a Walmart Supercenter
2. An anonymous letter and newspaper article, received September 9, 2011, in support of Walmart.
3. An email from Amy Hunter, received August 18, 2011, in support of the proposed annexation.

4. The entire July 5, 2011 Planning Commission hearing record
5. The July 26, 2011 Town Council hearing record, including but not limited to: All documents, submittals, comments, and testimony
6. The affidavit of posting of notice of the public hearing, signed by Stephen H. Scott
7. The affidavit of mailing of notice of public hearing to adjacent property owners, signed by Stephen H. Scott
8. A letter from Harold Ray Mertz, with Manekin, LLC., dated September 13, 2011, in support of the Annexation and development of a Walmart.
9. A letter from Mary Ellen Barbour, which was read by Cherry Stackhouse, received September 13, 2011, in support of the annexation and development of a Walmart Supercenter.

Mayor Hale asked the clerk if anyone had signed the speakers list, and called on those on the list.

Michael J. Runfola, 113 Morris Drive, La Plata, spoke neither for or against proposed annexation, and requested that the Mayor and Council bring new annexations or amendments of annexation agreements to a referendum vote.

Cherry M. Stackhouse, 10331 La Plata Road, La Plata, read a letter from Ellen Barbour for the record (letter also submitted as written correspondence).

Mary Beth Chandler, 900 Anne Arundel Avenue, La Plata, spoke in opposition, stating that Walmart can expand current location, and asking consideration to the increased traffic.

Gary Maynard, 110 Leeds Way, La Plata, spoke in opposition to Walmart, due to the effect on small businesses.

Charles G. Gardiner, Sr., 8200 Clamber Hill Place, Port Tobacco, Maryland, spoke in favor of the annexation, and spoke regarding the closing of MSI.

Charles McPherson, 102 Centennial Street, La Plata, Maryland, spoke in support of the annexation, due to the increased tax base.

John Etchison, 12426 Whisper Creak Court, Charlotte Hall, Maryland, spoke in opposition, due to the amount of dark stores and diminished tax revenue.

James Jarboe, 9270 Crescent Lane, La Plata, Maryland, spoke in opposition to the annexation, and that there will be a referendum if the annexation is passed.

Mayor Hale asked for any additional speakers.

Mari Single, 105 Lelia Court, La Plata, Maryland, spoke in opposition to Walmart.

Marian Brown, 102 Pender Drive, La Plata, Maryland, spoke in opposition to a Super Walmart.

Joe Poliafico, 13 Quailwood Parkway, La Plata, Maryland, spoke in favor of the annexation.

Berry Hirshman, 811 A Brandon Road, Waldorf, Maryland, spoke in opposition to Walmart.

Dottie Lancaster, 1206 E. Patuxent Drive, La Plata, Maryland, spoke in support of the annexation, due to all that the Mitchell's have done for the Town.

Mayor Hale asked for any additional questions of the Council. There were no questions.

Mayor Hale asked for closing comments by the petitioner. There were no additional comments.

There being no other speakers, Mayor Hale closed the hearing at 7:43 p.m.

Thee being no other business, Councilman Back moved to adjourn the special meeting at 7:45 p.m. Councilwoman Mudd seconded the motion and it passed unanimously.

Submitted by:

Danielle Mandley, Town Clerk