

Council of the Town of La Plata  
La Plata Town Hall  
Tuesday, July 26, 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: Cassin B. Gittings, Chief, La Plata Police Department; Det. Sgt. William Brooks; David M. Jenkins, Director of Municipal Development; Frederick C. Sussman, Town Attorney

Minutes:

*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 8:45 PM, Tuesday, July 19, 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, Danielle Mandley. [Note: Mr. Mears was present for the discussion regarding subject number 1 and left prior to the discussion of subject number 2.]*

*On a motion made by Councilman Back, seconded by Councilman Norris, 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. Appointment to Boards and Commissions 2. Town Manager Annual Evaluation. Action : 1. The Council, by unanimous consent, appointed two (2) members to serve on the Board of the La Plata Town Center Corporation.. 2. Council consensus: Following discussion the Council agreed to schedule a closed session July 26, 2011 for further discussion. The meeting adjourned at 9:17 PM.*

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

#### Approval of Minutes

Councilman Back moved to approve the minutes of the June 14 special meeting, June 14 work session, June 14 closed session, June 21 business meeting, June 21 work session and June 21 closed session. Councilman Winkler seconded the motion and it passed unanimously.

Petitions, Communications, Appearances and Public Forum

1. Public Forum (No speakers.)
2. La Plata Police Department (LPPD) monthly report – Chief Gittings

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

Chief Gittings also reported on pending interviews for the vacant police officer position, August Speed Awareness month, and National Night Out.

► **Legislation** [None]

► **Public Hearing**

(2) **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 made an announcement to silence cell phones and pagers, 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.

Mr. Mears summarized the petition for annexation and the various aspects of the annexation agreement.

The Clerk entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the July 1, 2011 and July 8, 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.

Steve Scott, Tom Klein, and Howard Biel, representing the petitioners provided a power point presentation regarding the various aspects of the petition for annexation and the proposed project. Documents submitted for the record (1) A letter of interest from Nick's of Clinton, to lease 12,000 to 15, 000 square feet of space in the existing Walmart location (2) A letter of interest from Marshalls, to lease 26,000 square feet of space in the existing Walmart location (3) A letter from Excel Trust regarding support for the annexation and development of a Walmart Supercenter, office building and commercial components across from Rosewick Crossing (4) A lease proposal from Kohl's for the lease of 58,000 square feet of space in the existing Walmart building.

Mayor Hale called for questions of the Council. [None]

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. The draft minutes from the July 5, 2011 Planning Commission meeting.
2. The written comments from the Planning Commission hearing record, which closed July 15, 2011
3. Eileen Howard, 9312 Farewell Court, La Plata, Maryland 20646, in support of the annexation.
4. Faith E. Mesenbourg, Special Projects Coordinator, Prince George's County Dept. of Corrections, in support of the annexation.
5. Frank D. Mudd, Jr., La Plata, Maryland, in opposition to the annexation.
6. Frances Snell, 101 Wesley Drive, #113, La Plata, Maryland 20646, in support of the annexation.
7. James Jarboe, 9270 Crescent Lane, La Plata, Maryland 20646, in opposition to the annexation.
8. Linda S. Cox, 101 Wesley Drive, #323, La Plata, Maryland 20646, in support of the annexation.
9. Loretta Darsey, 1 Hickory Lane, La Plata, Maryland 20646, in support of the annexation.
10. Laura Johnston, Community Manager, The Maples, in support of the annexation.
11. Margaret L. Dulop, 101 Wesley Drive, # 206, in support of the annexation.
12. Mohommed Hossain, 1011 Glen Oak Court, in support of the annexation.
13. Ray Thompson, 1 Hickory Lane, La Plata, Maryland, in support of the annexation.
14. Suzanne W. Cox, 6315 Sleepy Hollow Road, La Plata, Maryland, in opposition to the annexation.
15. Philip McDonagh, 1405 Redwood Circle, La Plata, Maryland 20646, in support of the annexation.
16. Mary Beth Chandler, 900 Anne Arundel Avenue, La Plata, Maryland, in opposition.
17. Lock Wills, The Wills Group, in support of the annexation.
18. Brenda DiCarlo, Southern Maryland Food Bank, in support of the annexation.
19. Planning and Community Development Staff, Johel Annexation – Consistency with the 2009 Town Comprehensive Plan.
20. King E. Adkins, 713 Prince Charles Drive, La Plata, Maryland, in support of the annexation.

The following list represents the documents that were submitted during the hearing, with the exception of the documents submitted during the petitioner's presentation:

21. F. Tavani and Associates, Inc., PO Box 459, Saint Peters, PA 19470, a review of the Traffic Impact Analysis as prepared by Lenhart Traffic Consulting, Inc., which is included in the Petition for Annexation.
22. Walmart representatives, 302 postcards (not counted during the hearing) in support of a Walmart Supercenter at La Plata Crossing.

23. Michael Siegel, “Realistic Assessment of an Annexation to the Town of La Plata, Maryland to Enable the Conversion of a Walmart Discount Store to a Supercenter”.
24. James Jarboe, 800 postcards (not counted during the hearing) in opposition to zoning for “Big Box” stores and the annexation.
25. Michael M. Lenhart, Lenhart Traffic Consulting, Inc., in response to FTA review of the Traffic Impact Analysis as included in the Petition for Annexation.

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

1. John Jilek, President Charles County Chamber of Commerce, 9375 Chesapeake Street, Suite 107, La Plata, Maryland 20646, spoke to express the Chamber’s support due to economic development.
2. Bill Stone, Excel Trust, 17140 Bernardo Center Drive, #300, San Diego, California 92128, owner Rosewick Crossing, spoke in support of the annexation.
3. Laura Johnson, The Maples, 101 Wesley Drive, La Plata, Maryland, spoke in favor of a Walmart Supercenter.
4. Michael Siegel, (street name unclear), Washington, D.C., spoke in opposition and regarding the fiscal analysis as part of the petition for annexation.
5. Tony Perez, Director of Legislative Growth Strategies, UFCW Local 400, spoke in opposition due to the potential for lost jobs.
6. Jim Jarboe, 9270 Crescent Lane, La Plata, Maryland, spoke in opposition to “big-box” stores.
7. Harry Shasho, 8055 Apple Grove Court, La Plata, Maryland, spoke in support of the annexation.
8. Stephen Barrientez, 2961 Eutaw Forest Drive, Waldorf, Maryland 20603, spoke in support of the annexation due to Walmart careers.
9. Bryant Dennison, 4238 Columbia Park Road, Pomfret, Maryland 20675, spoke in favor of the annexation, due to Walmart career advancement opportunities.
10. Phil McDonagh, 1405 Redwood Circle, La Plata, Maryland, spoke in favor of the annexation, due to compatibility with 2009 Comprehensive Plan.
11. Lynn Marlin, 550 Quince Court, La Plata, Maryland, spoke in opposition, due to effect on Town.
12. Larry Cease, 6470 Cease Place, Hughesville, Maryland, spoke in opposition due to closure of small businesses.
13. Bruce Warrington, 1008 Bran Drive, La Plata, Maryland, spoke in support of the annexation.
14. Cecelia Barry, 1 Hickory Lane, La Plata, Maryland, spoke in favor of the annexation.
15. Claudine Hopkins, 1 Hickory Lane, La Plata, Maryland, spoke in favor of the annexation.
16. Diane Edmonds-Vitashole, 1 Hickory Lane, La Plata, Maryland, spoke in favor of the annexation.
17. William L. Sanders, 1 Hickory Lane, La Plata, Maryland, spoke in favor of the annexation, due to lower prices.
18. Linda Copping, 1 Hickory Lane, La Plata, Maryland, spoke in support of the annexation due to job opportunities and access for seniors and the disabled citizens.

19. Doug Sayers, 6710 Hawkins Gate Road, La Plata, Maryland 20646, spoke in opposition due to vacancy of the existing building and the Town should encourage higher paying jobs.
20. Rebecca Furbush, P.O. Box 321, La Plata, Maryland, spoke in opposition due to the type of jobs offered, and enough choices in Town.
21. Bob Campbell, 3022 Tennyson Street, N.W., Washington D.C., spoke in support of the annexation and provided comments to the fiscal report submitted by Michael Siegel.
22. Mike Lenhart, 331 Redwood Grove Court, Millersville, Maryland 21108, spoke in support of the annexation and provided a response to the FTA comments.
23. Gary J. Maynard, 110 Leeds Way, La Plata, Maryland, spoke in opposition, due to the vacancy of the existing building, businesses will suffer, and Town should support Tech jobs.
24. Kathleen M. Vinson, 2230 Bridal Path Place, Waldorf, Maryland, spoke in favor of the annexation, due to revenue gain in La Plata.
25. Donna Waldel, 3560 Malvern Street, Waldorf, Maryland, spoke in opposition to represent Giant and Safeway, due to business closures.
26. Edward Auld, 4550 Brawy Street, Great Mills, Maryland 20634, owner of IHop and Dairy Queen in La Plata, spoke in favor of annexation.
27. Katharine Nelson, 11310 Mount Victoria Road, Newburg, Maryland 20664, spoke in favor of annexation due to job advancement.
28. Torrey Jacobsen, 4301 Garden City Drive, Landover, Maryland, spoke in opposition.

Mayor Hale asked for any additional questions of the Council, and thanked the speakers for their comments.

Mayor Hale asked for closing comments by the petitioner. [None]

There being no other speakers, Mayor Hale announced that the record will remain open for comments for 10 days, until August 5, 2011, at 4:00 PM, and *concluded* the hearing at 8:49 PM.

*Following a short break the meeting resumed.*

► **Unfinished Business** [None]

► **New Business**

- Commission Reports

Councilman Norris reported that the Design Review Board did not have a meeting.

Councilwoman Mudd reported that the Beautification Commission will not meet again until September.

Councilman Back reported that the Planning Commission held a hearing regarding the zoning request for the Johel Petition for Annexation, Agricopia Preliminary Plat was approved, and the Commission is working on comments on Plan Maryland.

Councilman Winkler reported on the Parks and Recreation Commission discussion regarding the Parks Plan, requested budget figures and will schedule meetings with GP Homes to discuss Heritage Green.

Mayor Hale reported that the La Plata Business Association did not meet, and briefly discussed National Night Out.

- Motion for a 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) Town Manager Annual Evaluation (2) Appointments to Boards and Commissions. Councilwoman Mudd seconded the motion. Roll call vote: Mayor Hale, Councilman Winkler, Councilman Back Councilwoman Mudd, and Councilman Norris voted aye. The motion passed unanimously.

Submitted by:

---

Danielle Mandley, Town Clerk