

Introduced \_\_\_\_\_  
Public hearing \_\_\_\_\_  
Council action \_\_\_\_\_  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

# County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 10

**BILL NO. 58 - 2018**

**Introduced by:**  
Calvin Ball  
Jennifer Terrasa

**AN ACT** amending the Howard County Code to amend the requirements for new developments on Scenic Roads; and generally relating to Scenic Roads.

Introduced and read first time \_\_\_\_\_, 2018. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2018.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2018 and Passed \_\_\_\_, Passed with amendments \_\_\_\_, Failed \_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2018 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2018

\_\_\_\_\_  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*  
2 *Code is hereby amended as follows:*

3  
4 *By Amending:*

5  
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7  
8 *Subtitle 1. "Subdivisions and Land Development Regulations"*

9 *Article II. "Design Standards and Requirements"*

10 *Section 16.125. "Protection of Scenic Roads."; and*

11  
12 *Subtitle 14. "Scenic Roads"*

13 *Section 16.1404. "Alterations to Scenic Road Rights-of-Way."*

14  
15  
16  
17 **HOWARD COUNTY CODE**

18  
19 **Subtitle 1. Subdivisions and Land Development Regulations**

20 **Article II. Design Standards and Requirements**

21 **Section. 16.125. – Protection of Scenic Roads.**

22 (a) *Application of Regulations.* The Subdivision and Land Development Regulations, Zoning  
23 Regulations, Forest Conservation ordinance and Landscape Manual shall be applied to  
24 development along a scenic road in a manner which helps to preserve the scenic character of  
25 the landscape viewed from these roads and the features of the road right-of-way that contribute  
26 to the road's scenic character.

27 (b) *Guidelines for Development of Land Abutting a Scenic Road.* Because scenic landscapes  
28 vary greatly, design solutions for development will vary. The following guidelines provide  
29 direction for the development of land abutting a scenic road. They are to be applied as  
30 appropriate, given the constraints of the particular site and the relative priority of other County  
31 policies and requirements such as public safety, farmland preservation, forest conservation,  
32 protection of sensitive environmental features and the need to construct public facilities.

33 (1) *General.*

34 (i) Use the cluster subdivision provisions of the zoning regulations to site buildings and  
35 roads in locations that minimize the impact of the subdivision on views from the

1 scenic road. Generally structures and uses should be located away from the right-of-  
2 way for scenic roads unless screened by topography or vegetation.

3 (ii) Minimize tree and vegetation removal. In addition to requirements for protection  
4 of forests, steep slopes, streams and wetlands, emphasize the protection of vegetation  
5 adjacent to the scenic road, as well as mature trees and hedgerows visible from the  
6 road.

7 (iii) Minimize grading; retain existing slopes along the scenic road frontage.

8 (iv) Orient lots so that houses do not back up to a scenic road. If this cannot be avoided,  
9 houses should be sited as far as possible from the road and well screened.

10 (v) Locate and design utilities, stormwater management facilities, drainage structures,  
11 bridges, lighting, fences and walls to be unobtrusive and to harmonize with the  
12 surroundings to maintain existing view corridors. Subdivision entrance features  
13 should be low, open, and in keeping with the scenic character of the area in  
14 accordance with section 128 of the zoning regulations.

15 (vi) Locate parking lots, loading areas and storage areas so that these uses are screened  
16 from the scenic road.

17 (vii) Use vegetation commonly found on the site or in the area for landscaping.

18 (viii) For density receiving subdivisions in the RC and RR zoning districts, achieving  
19 the maximum possible density is not sufficient justification to allow impacts on  
20 scenic roads.

21 (2) *Forested or wooded areas.* Any new developments located along scenic roads must  
22 maintain at least a 35-foot buffer of existing forest or wooded area between the road and  
23 the new development. The buffer shall be wide enough to maintain the road's visual  
24 character with a minimum width of at least 35 feet from the road right-of-way.

25 (3) *Areas with open views.*

26 (i) Cluster development to retain as much as possible of the open character of the site  
27 and to minimize interference with panoramic views from the road.

1 (ii) Where possible, site new buildings behind natural screening or cluster development  
2 in or along the edges of forests, at the edges of fields and hedgerows, or near existing  
3 buildings.

4 (iii) Preserve the foreground meadow, pasture or cropland and place development in  
5 the background as viewed from the road.

6 (iv) Avoid placing structures on the tops of prominent ridges.

7 (v) If new construction cannot be made unobtrusive through siting or the use of natural  
8 screening, use landscaping, including berms, to buffer development from the scenic  
9 road.

10 (4) *ALTERNATIVE INGRESS AND EGRESS.* ANY NEW DEVELOPMENT THAT ADJOINS A  
11 SCENIC ROAD SHALL TO THE EXTENT PRACTICABLE, PROVIDE VEHICULAR INGRESS  
12 AND EGRESS AT A NON-SCENIC ROAD. ANY NEW VEHICULAR INGRESS AND EGRESS  
13 ALONG A SCENIC ROAD SHALL BE APPROVED BY THE PLANNING BOARD IN A PUBLIC  
14 MEETING AFTER A DETERMINATION THAT SUCH VEHICULAR INGRESS AND EGRESS  
15 CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD.

16 (5) *LARGER DEVELOPMENTS.* ANY NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL  
17 UNITS, WHICH ADJOINS A SCENIC ROAD AND PROPOSES A NEW VEHICULAR INGRESS  
18 AND EGRESS ON A SCENIC ROAD OR PROPOSES SUCH INGRESS AND EGRESS WITHIN ONE  
19 ROADWAY MILE OF A SCENIC ROAD SHALL BE REQUIRED TO OBTAIN APPROVAL FROM  
20 THE DEPARTMENT OF PLANNING AND ZONING, AND FROM THE PLANNING BOARD  
21 AFTER A PUBLIC MEETING IN ACCORDANCE WITH SUBSECTION 6 BELOW.

22 (6) FOR ANY DEVELOPMENT SUBJECT TO SUBSECTION 5 ABOVE, THE DEPARTMENT OF  
23 PLANNING AND ZONING, AND SUBSEQUENTLY THE PLANNING BOARD, AFTER A PUBLIC  
24 MEETING, SHALL APPROVE THE PLAN IF IT DETERMINES THAT THE PROPOSED  
25 VEHICULAR INGRESS AND EGRESS ADEQUATELY BALANCES THE PROTECTION OF  
26 SCENIC ROADWAY ELEMENTS OF SUBSECTION (B)(1) – (3) ABOVE WITH THE  
27 CONSTRUCTION OF IMPROVEMENTS PRESCRIBED UNDER VOLUME III (ROADS AND  
28 BRIDGES) OF THE DESIGN MANUAL TO ENSURE THE PUBLIC'S SAFETY TO THE  
29 MAXIMUM EXTENT PRACTICABLE. IN THE EVENT THAT THE DIRECTOR OF PLANNING  
30 AND ZONING, AFTER CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS,

1 DETERMINES THAT THE TIMING OF A CAPITAL PROJECT(S) OR THE NEED TO ENSURE  
2 CONTINUITY IN THE TRANSPORTATION NETWORK MAKES IT MORE EFFICIENT TO  
3 DELAY CONSTRUCTION OF ALL OR PART OF THE PRESCRIBED IMPROVEMENTS UNDER  
4 VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL, THE DIRECTOR OF  
5 PLANNING AND ZONING SHALL REQUIRE THAT THE DEVELOPER:

6 (I) DELAY THE CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO A  
7 DATE CERTAIN AND SIGN A MAJOR FACILITIES AGREEMENT GUARANTEEING  
8 THE CONSTRUCTION OF THE DELAYED IMPROVEMENTS; OR

9 (II) SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT  
10 ESTIMATE COST OF THE MITIGATION, WHICH MONEY SHALL BE USED BY THE  
11 COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO IMPROVE THE  
12 SCENIC ROAD.

13 ([[4]]7) *Administrative waivers.*

14 (i) A developer seeking an administrative waiver from the scenic road requirements  
15 shall give written notice within one week of the filing date of the waiver petition, via  
16 first-class mail to:

17 a. All adjoining property owners identified in the records of the State Department  
18 of Assessments and Taxation; and

19 b. All attendees of record of the presubmission community meeting; and

20 c. All interested parties on file with the Department of Planning and Zoning.

21 (ii) The Department shall not approve any petition for a scenic road requirement waiver  
22 within 30 days of meeting the written notice requirement to allow for public  
23 comment.



1 SUBSEQUENTLY THE PLANNING BOARD, AFTER A PUBLIC MEETING, SHALL APPROVE THE  
2 PLAN IF IT DETERMINES THAT THE PROPOSED VEHICULAR INGRESS AND EGRESS  
3 ADEQUATELY BALANCES THE PROTECTION OF SCENIC ROADWAY ELEMENTS OF  
4 SUBSECTION (B)(1) – (3) ABOVE WITH THE CONSTRUCTION OF IMPROVEMENTS  
5 PRESCRIBED UNDER VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL TO  
6 ENSURE THE PUBLIC’S SAFETY TO THE MAXIMUM EXTENT PRACTICABLE. IN THE EVENT  
7 THAT THE DIRECTOR OF PLANNING AND ZONING, AFTER CONSULTATION WITH THE  
8 DIRECTOR OF PUBLIC WORKS, DETERMINES THAT THE TIMING OF A CAPITAL PROJECT(S)  
9 OR THE NEED TO ENSURE CONTINUITY IN THE TRANSPORTATION NETWORK MAKES IT  
10 MORE EFFICIENT TO DELAY CONSTRUCTION OF ALL OR PART OF THE PRESCRIBED  
11 IMPROVEMENTS UNDER VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL,  
12 THE DIRECTOR OF PLANNING AND ZONING SHALL REQUIRE THAT THE DEVELOPER:

13 (I) DELAY THE CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO A  
14 DATE CERTAIN AND SIGN A MAJOR FACILITIES AGREEMENT GUARANTEEING  
15 THE CONSTRUCTION OF THE DELAYED IMPROVEMENTS; OR

16 (II) SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT  
17 ESTIMATE COST OF THE MITIGATION, WHICH MONEY SHALL BE USED BY THE  
18 COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO IMPROVE THE  
19 SCENIC ROAD.

20 (b) *State Maintained Scenic Roads.* State maintained scenic roads are not subject to design  
21 standards and other County regulations governing alterations to the road right-of-way. The  
22 County will seek to work cooperatively with the State Highway Administration in the design  
23 of alterations to State roads.

24 (c) *Effect of Adequate Public Facilities Act.* Scenic roads are subject to the requirements of the  
25 adequate public facilities ordinance (title 16, subtitle 11). To limit alterations to an intersection  
26 involving a scenic road under the provisions of the adequate public facilities ordinance, such  
27 an intersection may be designated a "constrained road facility" by the County Council in  
28 accordance with subsections 16.1101(f)(4) and 16.1110(e) of this Code. Restrictions on  
29 improvements to a constrained road facility shall not be grounds for denial of subdivision

1 plans or site development plans that would otherwise be subject to required road  
2 improvements under the adequate public facilities ordinance.

3  
4 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act***  
5 ***shall become effective 61 days after its enactment.***



Amendment 1 to Council Bill 58-2018

BY: Jennifer Terrasa

Legislative Day No: 11  
Date: 7/27/18

Amendment No. 1

1 (This amendment proposes to:

- 2 • Remove the requirement that larger developments must adjoin a Scenic Road to  
3 trigger proposed provision;  
4 • clarify that for larger developments proposing new ingress or egress within one mile  
5 of a Scenic Road that traffic must be impacted by the development's traffic; and  
6 • clarify that the Major Facilities Agreement is to be used for improvements not  
7 mitigation.)  
8  
9

10 On page 3, in line 13, strike "IN" and substitute "AFTER". On the same page, in line 14,  
11 strike "AFTER" and substitute "AND".  
12

13 On page 3, in line 17, strike "ADJOINS A SCENIC ROAD AND".  
14

15 On page 3, in line 19, after "ROAD", insert "WHICH WILL BE IMPACTED BY THE  
16 DEVELOPMENT'S TRAFFIC".  
17

18 On page 4, in line 10, strike "MITIGATION" and substitute "IMPROVEMENTS".  
19

20 On page 5, in line 20, strike "IN" and substitute "AFTER". Also, in line 20, strike  
21 "AFTER" and substitute "AND".  
22

23 On page 5, in line 24, strike "ADJOINS A SCENIC ROAD AND".  
24

25 On page 5, in line 26, after "ROAD", insert "WHICH WILL BE IMPACTED BY THE  
26 DEVELOPMENT'S TRAFFIC".  
27

28 On page 6, in line 17, strike "MITIGATION" and substitute "IMPROVEMENTS".  
29



July 16, 2018

My name is Fred Dorsey and I live at 10774 Judy Lane, Columbia 21044. I am President of Preservation Howard County (PHC) in support of CB 58-2018

Scenic Roads was one of several areas listed to protect historic resources provided in the Howard County Historic Preservation Plan. The plan specifically stated:

“Ensure Scenic Roads are appropriately protected from abutting land of new developments” This addresses the concern of ingress and egress.

“Ensure the character of Scenic Roads is protected when making improvements”

The following is a recommended amendment to ensure the characters of scenic roads are addressed and maintained.

Page 3 Line 26 to read “scenic roadway characteristics of Subtitle 14 Section 16.1402 and elements of Subsection (B)(1)-3 above with the”

Many scenic roads have been negatively impacted by the manner in which ingress and egress has been permitted. This bill addressed that issue and the passage of this bill is an appropriate corrective action.

#### Board

*Martha Clark*  
*Fred Dorsey*  
*Virginia Frank*  
*Jacque Galke*  
*Barbara Kellner*  
*Laura Manning-Attridge*  
*William Miller*  
*Allan Shad*

2018 JUL 16 PM 1:49  
HOWARD COUNTY COUNCIL  
RECEIVED

**Sayers, Margery**

---

**From:** stukohn@verizon.net  
**Sent:** Thursday, July 26, 2018 11:28 AM  
**To:** CouncilMail; howard-citizen@yahoogroups.com  
**Subject:** Major Decision Day for Council Members  
**Attachments:** HCCA Testimony CB54 - Courthouse.docx; HCCA Testimony CB59-2018 Erickson - PSA Expansion.docx; HCCA Testimony CB56-2018 Ellicott City.docx; HCCA Testimony CB58-2018 Scenic Roads.docx; HCCA Testimony CR119-2018 Amending Water and Sewer.docx

Dear Council and Listserve Members,

Tomorrow, Friday, 27 July will play a major part in each of the Councilmembers legacy. They will be voting on several all-important Bills and a Resolution that will forever have a major impact on our County for years. These Bills are CB54 – the Courthouse, CB59 – the expansion of the Planned Service Area (PSA), CB56 – Moratorium for Mitigation for Ellicott City, CB58 – Scenic Roads legislation, and CR119 – Amending the Water and Sewer line.

Please refer to the attachments which is our Howard County Citizens Association, HCCA testimony presented to the County Council during two nights. The Council we only hope will consider the very compelling testimony which was heard on these Bills and Resolution. We believe the Council should vote as follows:

**CB54 – *Table*** until such time all the facts have completely been answered especially the financing and the contract arrangements. If true -- we do not understand why two losing bidders will each receive \$500,000?

**CB59 – Vote *No or let the Bill Expire*.** The New Council should be completely in charge of this decision. We don't for the life of us understand the explanation of the Office of Law that this is a "Planning" issue not a "Zoning" issue. The content of the Bill states otherwise. Under the HC Code of Ordinances, Title 16, Section 16.211 the Council is not permitted to act on Zoning matters after the Primary.

**CB56 – Vote *Yes with recommended amendments*.** This Bill should have occurred two years ago when Councilman Weinstein introduced it, but unfortunately none of his colleagues supported him. Now they are which is appreciated.

**CB58 – Vote *Yes with amendments*.** Something needs to be done to save some land and potentially make things safer.

**CR119 –** Despite the fact Administrative rules were completely ignored the Council should vote *Yes* because of declared Health hazards.

You can go to our website at <http://howardcountyhcca.org/member-info/reports-documents-and-testimonies/> to see our testimonies. Not all of the aforementioned Bills and Resolution have been posted on our site but will be soon.

Hopefully the Council will make the right decisions at their Legislative Hearing starting at 10AM at the George Howard Building.

Sincerely,

Stu Kohn  
HCCA, President

**Sayers, Margery**

---

**From:** Russ Swatek <swatek1@yahoo.com>  
**Sent:** Thursday, July 26, 2018 1:00 PM  
**To:** CouncilMail  
**Cc:** Yahoo Groups  
**Subject:** Fw: [HOWARD-CITIZEN] Major Decision Day for Council Members [5 Attachments]

Dear Council Members,

I support HCCA's stated position on each of the bills addressed below.

Russ Swatek  
8141 Tamar Drive  
Columbia, MD 21045

----- Forwarded Message -----

**From:** stukohn@verizon.net [HOWARD-CITIZEN] <HOWARD-CITIZEN@yahoogroups.com>  
**To:** "councilmail@howardcountymd.gov" <councilmail@howardcountymd.gov>; "howard-citizen@yahoogroups.com" <howard-citizen@yahoogroups.com>  
**Sent:** Thursday, July 26, 2018, 11:32:27 AM EDT  
**Subject:** [HOWARD-CITIZEN] Major Decision Day for Council Members [5 Attachments]

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Sincerely,

Stu Kohn  
HCCA, President

[View attachments on the web](#)

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Posted by: [stukohn@verizon.net](mailto:stukohn@verizon.net)

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NOTE 1: When you choose REPLY, it will go to the entire group.  
To send to one member, enter that address in the TO window.

NOTE 2: HCCA does not take responsibility for the content of messages posted on the listserve; assertions should be verified before placing reliance on them.

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## Sayers, Margery

---

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Sincerely,

Stu Kohn  
HCCA, President



Date: 23 July 2018

Subject: HCCA Testimony CB58-2018 Scenic Roads

Good evening. My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA testifying on their behalf. We are in favor of CB58-2018 and want to thank Councilpersons Terrasa and Ball for having the foresight to introduce this Bill. Hopefully this Bill will lead to a better understanding as to what the residents of Howard County can expect whenever development is placed on a designated scenic road. The specific question we have is will this Bill in anyway affect the proposed 397 units planned by the Milk Producers at Leishear, Gorman and Murray Hill Roads. We would like to believe that this development was a contributing factor as to why this Bill is before us. We would like for you to consider the following suggestions to include in the Bill for clarity:

**Refer to Page 2, Line 2** – add the word “fully” before the word “screened.”

**Refer to Page 2, Lines 3 thru 6** – it is referring to the protection of forests. It is about time especially considering that Howard County as reported by the Sierra Club is the worst of all counties in Maryland clearing trees and only 12<sup>th</sup> in replacing them. This needs to change.

**Refer to Page 3, Line 8 thru 9** – states, “To orient houses so they do not back up to scenic roads and should be sited as far as possible from the road and be well screened.” We seek specificity by asking you to provide an exact number regarding the distance.

**Refer to Page 2, Line 12** – what is the definition of “Surroundings?”

**Refer to Page 5, Lines 23 thru 28** – It states, “That developments adjoining scenic roads which proposes a new vehicular ingress and egress on a scenic road within one mile shall be required to obtain approval from DPZ and the Planning Board after a Public Meeting.” We ask you for the public to have the opportunity to question DPZ at such a Planning Board Meeting or Hearing. This is the case now evoked in Zoning Board Hearings as the recent passed CB16-2018 permits. The same opportunity should apply in front of the Planning Board. We ask you to please revisit CB16 as an amendment because we believe this was simply an oversight.

**Refer to Page 6, Lines 24 thru 29 and Page 7, Lines 1 thru 2** – It addresses the Effect of the Adequate Public Facilities Act regarding an intersection designated a “Constrained Road Facility.” On Line 28 it states, “Restrictions on improvements to a “Constrained Road Facility” shall not be grounds for denial of subdivision plans or site development plans that would otherwise be subject to required road improvements under the adequate public facilities ordinance.” We ask why not? Please consider rewording this clause to state, “A Constrained Road Facility shall be grounds for denial of any subdivision plans or site development plans unless such time when road improvements are feasible and pass road tests with the implementation of the Adequate Public Facilities Ordinance.”

With the aforementioned suggested amendments, we look forward to hopefully see major improvements in the protection of our scenic roads. It would certainly be beneficial to all.

Thank You,

Stu Kohn  
HCCA, President

**Sayers, Margery**

---

**From:** JOHN SMITH <jdsmith51@verizon.net>  
**Sent:** Thursday, July 26, 2018 12:31 PM  
**To:** CouncilMail  
**Cc:** JD SMITH  
**Subject:** Council bills 54, 59, 56,58, CR119

To: Howard County Council  
From: JD Smith  
Date: July 26, 2018  
Re: Council Bills 54, 59, 56, 58 and CR119

---

**Dear Council Members:**

**I would like you to take the following actions regarding the subject bills:**

**CB54 – *Table*** until such time all the facts have completely been answered especially the financing and the contract arrangements. If true -- I do not understand why two losing bidders will each receive \$500,000? Too many unanswered questions, the main one being is this the best way of spending taxpayers' money when there are so many other needs that need addressing.

**CB59 – Vote *No or let the Bill Expire*.** The New Council should be completely in charge of this decision. I don't understand the explanation of the Office of Law that this is a "Planning" issue not a "Zoning" issue. The content of the Bill states otherwise. Under the HC Code of Ordinances, Title 16, Section 16.211 the Council is not permitted to act on Zoning matters after the Primary.

**CB56 – Vote *Yes with recommended amendments*.** This Bill should have occurred two years ago when Councilman Weinstein introduced it, but unfortunately none of his colleagues supported him.

**CB58 – Vote *Yes with amendments*.** Something needs to be done to save some land and potentially make things safer.

**CR119 –** Despite the fact Administrative rules were completely ignored the Council should vote **Yes** because of declared Health hazards.

Thank you for considering my request.

John David (JD) Smith  
7425 Swan Point Way  
Columbia, MD 21045  
410-807-2010

**Sayers, Margery**

---

**From:** Bhargavi Gandhi <bgv2k1@yahoo.com>  
**Sent:** Thursday, July 26, 2018 1:00 PM  
**To:** CouncilMail; Kittleman, Allan  
**Cc:** Fox, Greg; Ball, Calvin B; Terrasa, Jen; Weinstein, Jon; Sigaty, Mary Kay  
**Subject:** Please support CB 56 and CB 58

Dear Mr. Kittleman and council members,

As a long time resident of Howard county , I have been extremely concerned about the frequent flooding of homes and businesses in the Tiber- Hudson Watershed . It pains us to see the frequent loss of property and the devastation caused by the floods, not to mention the enormous amounts needed to rebuild. Old Ellicott City is an important part of our country's history and everyone would like to preserve and protect it. The Council has taken an important step in that direction by introducing Council Bill 56 and 58 to protect the Tiber-Hudson Watershed. by placing a moratorium on construction for one year. We urge you to support and pass both bills. While that is good , we feel that the moratorium should be for a longer period , maybe 5-7 years to alleviate the pressure on schools, hospital and traffic .

We learnt that at the hearing held on Monday, July 23, Members of the Maryland Building Association were canvassing to kill this bill. We can understand their concerns, because it affects their bottom line. However, they are not concerned about the impact of construction on the citizens and small businesses.. I know as our representatives you have the best interests of the Citizens of the County at heart. Please support both CB 56 and CB 58 when they come up for vote on Friday , July 27.

Thanks for your consideration,

Bhargavi Gandhi  
410-480-1740

## Sayers, Margery

---

**From:** Vicki Scobell <vscobell@gmail.com>  
**Sent:** Thursday, July 26, 2018 1:31 PM  
**To:** CouncilMail  
**Subject:** I support CB58-2018

Dear Howard County Council:

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

I would like smart development that incorporates the additional oversight and the community's input regarding safety/traffic mitigation that will promote a higher quality of life for the new developments and their surrounding communities and how CB58-2018 will provide this for developments on/near scenic roads.

I urge you to vote yes to CB58 as written to further protect and thoughtfully plan development access points along and near scenic roads.

I am directly impacted as opposed to the developers who do not reside in Howard County. I vote and will be watching to see that my interest is being protected

Sincerely,  
Vicki Scobell  
A Resident Of The Emerson  
Community on Gorman Road

Sent from Vicki's iPhone

## Sayers, Margery

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**From:** Susan Potenzzone <spotenzone@verizon.net>  
**Sent:** Thursday, July 26, 2018 3:35 PM  
**To:** CouncilMail  
**Subject:** Scenic Roads Bill (CB-58)

As a Howard County resident, I am asking you to PLEASE pass the Scenic Roads Bill without any amendments to allow grandfathering to current potential projects. We have been residents here for almost 30 years, and one of the big reasons we selected this area was the beautiful open spaces throughout the county. The over development of this county is ruining that landscape and changing the entire feel of this area. Please allow existing and established communities in Howard County to maintain that lifestyle and do not allow every piece of beautiful, open space to be developed and change the attributes of this great county.

Thank you,

Susan Potenzzone  
Howard County Resident

[spotenzone@verizon.net](mailto:spotenzone@verizon.net)

**From:** Linda Corso <justllc@verizon.net>  
**Sent:** Thursday, July 26, 2018 2:31 PM  
**To:** Terrasa, Jen  
**Cc:** CouncilMail; planning  
**Subject:** Re: Scenic Road bill - CB58

Ms. Terrasa,

I've just been listening to your Legislative Work Session and I am appalled by your statements. Horrified in fact. You are not hearing us, as Ms. Sigaty even implied.

We are looking to PROTECT our two remaining scenic roads (Gorman and Murray Hill) from intrusive over development. We are NOT asking you to remove the scenic road designation of these roads. We are not asking you to make lots of safety improvements to them. We are asking you to prevent developers from dumping their traffic onto them when their traffic should be directed and could be directed onto major collector roads (Rt 216) which are built to handle it. But the county is so behind the curve on infrastructure (as Calvin mentioned) that everything is done backwards.

So, to be absolutely clear about what we in Hunters Creek and others along Gorman are actually saying — protect our scenic roads by forcing developers to divert their new traffic to major collectors! We even have a petition so stating. Our scenic roads are a treasure worth preserving and we don't expect you to permit over burdening them and then tell us, oh well, they don't qualify as a scenic road anymore! Our response — oh, well, you just lost our vote.

The whole Emerson nightmare dumping right onto scenic Gorman was a boondoggle. And the accidents at Gorman/Stephens Roads and the backups at Gorman/Skylark would not be a safety or traffic issue or a strain on scenic Gorman if Skylark Blvd egressed onto Rt. 216 along with Road A of the Milk Plant as it was supposed to and as it is STILL written in HoCo2030 as R103 (unfunded).

You've been hearing from a lot of us in Hunters Creek supporting your CB-58 because we thought your intent was to divert traffic of new developments away from scenic Gorman, not destroy the entire character of Gorman by making tons of road improvements to it!! That's just pandering to developers! Protect Gorman and make safety and road improvements to surrounding roads to carry the new traffic.

As it stands now, the Milk Plant developer has removed egress onto Gorman in deference to its scenic designation. We want it kept that way, but we'd also like to finally see R103 funded (and this developer should help fund it). That is what will save our scenic roads while allowing new development.

Hear us because there are a lot of us and you've got this totally wrong!

Thank you.  
Linda Corso  
Hunters Creek

Sent from my iPad

On Jul 26, 2018, at 1:35 PM, Terrasa, Jen <[jtterrasa@howardcountymd.gov](mailto:jtterrasa@howardcountymd.gov)> wrote:

Ms. Corso,

Thank you for writing to the Council in support of CB58, which I co-sponsored with Councilman Ball. Hopefully, with the help of your testimony, we can help increase transparency and allow residents to voice their concerns about developments that may negatively impact our community.

As always, please feel free to contact me or my special assistant, Melissa Affolter, at (410) 313-3108 or [jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov), if you have any further questions, or if there is anything else we can ever do for you.

All the best,  
Jen

**Jennifer Terrasa**  
*Councilwoman*  
District 3, Howard County Council  
3430 Court House Drive, Ellicott City, MD 21043  
[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)  
Phone: (410) 313-3108 Fax: (410) 313-3297

Like my page on [Facebook](#) and follow her on [Twitter](#)!

Sign up for [my newsletter](#)!

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**From:** Linda Corso <[justllc@verizon.net](mailto:justllc@verizon.net)>  
**Date:** Wednesday, July 25, 2018 at 3:16 PM  
**To:** CouncilMail <[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>  
**Subject:** Scenic Road bill - CB58

Dear Council Members,

I am most pleased to see two of your members propose positive legislation in the form of CB-58 and I ask you all to approve this bill as written and not to permit any grandfathering. Projects that do not even have any shovels in the ground should not be exempt from this important bill.

The eastern part of Howard County is rapidly losing much of its character due to ill-conceived development on what remains of its few scenic roads. Just look at the Scenic Roads Map in HoCo 2030. The current scenic roads regulations may sound reasonable on the surface but there is the waiver provision that seems to be a pipeline to rubber-stamp exceptions every time, leading to the regulations having essentially no teeth to them. Thus scenic roads lack required setbacks and vistas, suffer traffic overloads that could have been avoided, and place undue stress on community livability. A prime example is what has happened with the enormous Emerson development dumping directly and solely onto scenic Gorman Road when it was supposed to also have direct egress to Route 216! And apartments were added with even greater density when they changed course and eliminated the office space they had originally planned. Scenic requirements on Gorman Road were further waived with Wincopia Farms and Walden Woods developments which are still building out and impacting the area. And now the Milk Plant which nestles up to Emerson wants to develop almost to capacity along this same road, again with no egress to Route 216, despite a Route 216 road connection in the HoCo 2030 plan (R103). Proper road infrastructure should work in concert with development. That is the reasoned approach. Then development can proceed with appropriate setbacks, scenic roads can be preserved and protected for all to enjoy, and people and cars can move about in a livable fashion.



CB-58 provides a much needed avenue for public discourse and reasoned development. No one is saying no to development. We are saying, let's support the intent of these regulations and protect the livability, beauty and history of our communities. Developers' jobs are to maximize development opportunities and do it profitably. They do not have to live in or around what they develop. We should not be pandering to them. And our county should be better long term planners in providing appropriate connector infrastructure along our major collector roads. And the landowners seeking to develop their lands on scenic roads can do so thoughtfully with input from their neighbors so as to leave behind a legacy that befits the land as they sell and move on. [And no one is out to stop a farmer from parceling land to a child to build a home; that is not the intent of this bill at all!] But I have seen too many waivers. We need stronger protections before what's left of our scenic roads is decimated to the point of 'are they even scenic roads anymore?' That would be a sad legacy for this county to leave, but that's the direction we now head unless we take action.

Yes to CB-58. And no to grandfathering.

We are the residents and voters of this county; not the developers.

Thank you.

Linda Corso  
Hunters Creek community in North Laurel

**From:** David S. Ross <dsross@umd.edu>  
**Sent:** Thursday, July 26, 2018 6:12 PM  
**To:** CouncilMail  
**Subject:** Comments in support of CB58-2018

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

It is importance to have smart development that incorporates the additional oversight and the community's input regarding safety/traffic mitigation that will promote a higher quality of life for new developments and their surrounding communities. I believe that CB58-2018 will provide this for developments on/near scenic roads.

Scenic roads are currently being made into crowded, over-loaded roads with less scenic value as new developments come on line. There is little separation of new developments from the roadway so it takes on the appearance of an urban area. Smart development should incorporate additional oversight to preserve the scenic value of the road. Screening and setbacks can be used to provide a visual buffer of development from the roadway.

Traffic safety has become an issue as traffic has increased on narrow and curving roads, forcing more traffic controls. In my area new development roads exit onto the scenic Gorman Road with multi-lane intersections which distract from it being scenic. Existing residents have trouble getting out of their homes onto the roads safely. Scenic roads in Howard County should be given more oversight to preserve them for our quality of life and enjoyment. CB58-2018 brings more oversight to help correct the issues caused by recent development in an effort to save the scenic roads.

The bill should not be amended to "grandfather" developments that are in the planning stage. There is time during the plan development and approval process to look at additional oversight and community input. This bill is necessary because the current rules are not doing the job of protecting scenic roads.

There are nice scenic roads in more rural counties but here in Howard County they are being destroyed because oversight is lacking and developments can convert the roads into less desirable urban roads facing development after development. For the sake of our communities and future residents we must use smart development now while there are scenic roads left to save. This is a county wide issue and not just related to one development project. It will be built but let's do it in a positive manner so we protect the scenic road and area. Do it now while there is an opportunity for smart development!

I urge you to vote yes to CB58-2018 as written to further protect and thoughtfully plan development access points along and near scenic roads.

Sincerely,

David

David S. Ross  
Resident in Hunter's Creek in Howard County  
[dsross@umd.edu](mailto:dsross@umd.edu)  
H 301-498-2234

**From:** David S. Ross <dsross@umd.edu>  
**Sent:** Thursday, July 26, 2018 6:08 PM  
**To:** CouncilMail  
**Subject:** Comments in support of CB58-2018

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

It is importance to have smart development that incorporates the additional oversight and the community's input regarding safety/traffic mitigation that will promote a higher quality of life for new developments and their surrounding communities. I believe that CB58-2018 will provide this for developments on/near scenic roads.

Scenic roads are currently being made into crowded, over-loaded roads with less scenic value as new developments come on line. There is little separation of new developments from the roadway so it takes on the appearance of an urban area. Smart development should incorporate additional oversight to preserve the scenic value of the road. Screening and setbacks can be used to provide a visual buffer of development from the roadway.

Traffic safety has become an issue as traffic has increased on narrow and curving roads, forcing more traffic controls. In my area new development roads exit onto the scenic Gorman Road with multi-lane intersections which distract from it being scenic. Existing residents have trouble getting out of their homes onto the roads safely. Scenic roads in Howard County should be given more oversight to preserve them for our quality of life and enjoyment. CB58-2018 brings more oversight to help correct the issues caused by recent development in an effort to save the scenic roads.

The bill should not be amended to "grandfather" developments that are in the planning stage. There is time during the plan development and approval process to look at additional oversight and community input. This bill is necessary because the current rules are not doing the job of protecting scenic roads.

There are nice scenic roads in more rural counties but here in Howard County they are being destroyed because oversight is lacking and developments can convert the roads into less desirable urban roads facing development after development. For the sake of our communities and future residents we must use smart development now while there are scenic roads left to save. This is a county wide issue and not just related to one development project. It will be built but let's do it in a positive manner so we protect the scenic road and area. Do it now while there is an opportunity for smart development!

I urge you to vote yes to CB58-2018 as written to further protect and thoughtfully plan development access points along and near scenic roads.

Sincerely,

David

David S. Ross  
Resident in Hunter's Creek in Howard County  
[dsross@umd.edu](mailto:dsross@umd.edu)  
H 301-498-2234

**Sayers, Margery**

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**From:** Medessa Burian <msburian@verizon.net>  
**Sent:** Thursday, July 26, 2018 8:34 PM  
**To:** CouncilMail  
**Subject:** CB58-2018

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

Incorporating smart development and including the community's input with respect to public safety and traffic mitigation is crucial in promoting a higher quality of life for new developments and their surrounding communities. CB58-2018 will help provide this for developments on and near scenic roads such as Gorman Road in Laurel where I live.

CB58-2018 should NOT be amended to "grandfather" in developments in the planning stages. Ample time is available during the plan development and approval process to address the additional oversight and community input.

I urge you to vote yes to CB58-2018 as written to further protect and thoughtfully plan development access points along and near scenic roads.

Sincerely,

Medessa Burian  
Howard County resident and registered voter

Sent from AOL Mobile Mail  
Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

**Sayers, Margery**

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**From:** Medessa Burian <msburian@verizon.net>  
**Sent:** Thursday, July 26, 2018 8:30 PM  
**To:** CouncilMail

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

Incorporating smart development and including the community's input with respect to public safety and traffic mitigation is crucial in promoting a higher quality of life for new developments and their surrounding communities. CB58-2018 will help provide this for developments on and near scenic roads such as Gorman Road in Laurel where I live.

CB58-2018 should NOT be amended to "grandfather" in developments in the planning stages. Ample time is available during the plan development and approval process to address the additional oversight and community input.

I urge you to vote yes to CB58-2018 as written to further protect and thoughtfully plan development access points along and near scenic roads.

Sincerely,

Medessa Burian  
Howard County resident and registered voter

Sent from AOL Mobile Mail  
Get the new AOL app: [mail.mobile.aol.com](http://mail.mobile.aol.com)

**Sayers, Margery**

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**From:** Debbie Ross <dmr10335@gmail.com>  
**Sent:** Thursday, July 26, 2018 7:58 PM  
**To:** CouncilMail  
**Subject:** Comments in Support of DB58-2018

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

It is very importance to consider scenic roads across the country, including Howard County. If development needs to happen, then let smart development incorporate the additional oversight and the community's input regarding safety/traffic mitigation that will promote a higher quality of life for new developments and their surrounding communities. I believe that CB58-2018 will provide this for developments on/near scenic roads.

Scenic roads are currently being made into crowded, over-loaded roads with less scenic value as new developments come on line. There is little separation of new developments from the roadway so it takes on the appearance of an urban area. Smart development should incorporate additional oversight to preserve the scenic value of the road. Screening and setbacks can be used to provide a visual buffer of development from the roadway.

Traffic safety has become an issue as traffic has increased on narrow and curving roads, forcing more traffic controls. In my area new development roads exit onto the scenic Gorman Road with multi-lane intersections which distract from it being scenic. Existing residents have trouble getting out of their homes onto the roads safely. Scenic roads in Howard County should be given more oversight to preserve them for our quality of life and enjoyment. CB58-2018 brings more oversight to help correct the issues caused by recent development in an effort to save the scenic roads.

**The bill should not be amended to "grandfather" developments that are in the planning stage.** The scenic road exists and protecting them should not only be considered, but enforced to keep them scenic.



There are nice scenic roads in more rural counties but here in Howard County they are being destroyed because oversight is lacking and developments can convert the roads into less desirable urban roads facing development after development. For the sake of our communities and future residents we must use smart development now while there are scenic roads left to save. This is a county wide issue and not just related to one development project. It will be built but let's do it in a positive manner so we protect the scenic road and area. Do it now while there is an opportunity for smart development!

I urge you to vote yes to CB58-2018 as written to further protect and thoughtfully plan development access points along and near scenic roads.

Sincerely,

Debbie Ross  
Howard County Homeowner

**From:** Khaleda Hasan <shahidkhaleda@gmail.com>  
**Sent:** Thursday, July 26, 2018 11:22 PM  
**To:** CouncilMail  
**Subject:** CB58-2018, Vote YES

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

This is a bill that will have lasting effects throughout the county, particularly as the county develops more of its rural and scenic areas. The main point of the bill, as I see it, is not to obstruct development, but to mitigate potential problems with traffic, safety, and the environment that the surrounding communities can best provide comprehensive insight on. Rather than pitting communities against developers, this legislation should work to enhance any developments along scenic routes for the benefit of the current communities and developers, and eventually the future inhabitants of the homes. This, in turn, can bring a level of trust and partnership for all parties involved. The ultimate goal is to improve quality of life in Howard County and I support this bill.

I attended the public hearing this past Monday and I would urge you to consider adding an amendment extending the duration beyond the one year to up to three years to ensure the best outcome with careful planning and community input. After all, the surrounding communities are the ones affected, not the developers, many of whom reside outside the county.

I urge you not to include any “grandfathering” clauses for developments that are in the planning stages since this is about enhancing public input rather than halting all development across the county.

I urge you to vote yes to CB58 to further protect and thoughtfully plan development access points along and near scenic roads.

Living in the Emerson community off of Gorman Road, we are directly affected by this. We have watched as Wincopia Farms has gobbled up a large swatch of the scenic route along Gorman Road. It would be a shame if the Milk Producers Co-op property was also developed with as little regard to preserving the scenic nature of the road, much like it would in developing areas across Howard County.

Finally, I've been following local politics much more closely and how you vote matters because it will affect how I vote. Please remember that you are serving Howard County residents and make the responsible decision on this bill.

Sincerely,

Khaleda Hasan, PhD  
Emerson resident

**From:** JOHN SMITH <jdsmith51@verizon.net>  
**Sent:** Thursday, July 26, 2018 12:31 PM  
**To:** CouncilMail  
**Cc:** JD SMITH  
**Subject:** Council bills 54, 59, 56,58, CR119

To: Howard County Council  
From: JD Smith  
Date: July 26, 2018  
Re: Council Bills 54, 59, 56, 58 and CR119

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**Dear Council Members:**

**I would like you to take the following actions regarding the subject bills:**

**CB54 – *Table*** until such time all the facts have completely been answered especially the financing and the contract arrangements. If true -- I do not understand why two losing bidders will each receive \$500,000? Too many unanswered questions, the main one being is this the best way of spending taxpayers' money when there are so many other needs that need addressing.

**CB59 – Vote *No or let the Bill Expire.*** The New Council should be completely in charge of this decision. I don't understand the explanation of the Office of Law that this is a "Planning" issue not a "Zoning" issue. The content of the Bill states otherwise. Under the HC Code of Ordinances, Title 16, Section 16.211 the Council is not permitted to act on Zoning matters after the Primary.

**CB56 – Vote *Yes with recommended amendments.*** This Bill should have occurred two years ago when Councilman Weinstein introduced it, but unfortunately none of his colleagues supported him.

**CB58 – Vote *Yes with amendments.*** Something needs to be done to save some land and potentially make things safer.

**CR119 –** Despite the fact Administrative rules were completely ignored the Council should vote **Yes** because of declared Health hazards.

Thank you for considering my request.

John David (JD) Smith  
7425 Swan Point Way  
Columbia, MD 21045  
410-807-2010

## Sayers, Margery

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**From:** Stuart Kohn <stukohn@verizon.net>  
**Sent:** Friday, July 27, 2018 12:24 AM  
**To:** Fox, Greg  
**Cc:** Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail; HOWARD-CITIZEN@yahoogroups.com  
**Subject:** Re: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Greg,

I really appreciate you having the courtesy to respond to the question.

The simple matter for me and others is that I don't get it! Up until now for all these years I thought the "Whereas Clauses" had meaning now we find out it does not - something is wrong. If in fact it is "rational behind a Bill" then CB59 on page 1, lines 27 to 30 states that the Erickson case is about "a specific Zoning proposal" not anything about what the Office of Law says that it is about "Planning." I believe now that this has been brought to the surface after all these years we all need to apparently get more educated in this area for future testimony, Work Session discussions, and for any authority to better enable their decisions because it looks like the "Whereas" is ambiguous.

Sincerely,

Stu Kohn  
HCCA, President

Sent from my iPhone

On Jul 26, 2018, at 11:20 PM, Fox, Greg <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)> wrote:

Stu:

This is much better answered by our office of law and they have done so in a number of public meetings in the past. I will give you my understanding, but I will reiterate that I am NOT a lawyer nor does this serve as legal advise...just my understanding.

Basically, the whereas clauses are used occasionally to provide the rationale behind a bill -- to give it context. It might also provide some historical perspective, references to enabling legislation... At times, it also becomes a place for political posturing or grandstanding regardless of how inappropriate it might be.

It has been explained to us (at least my take on what has been explained) that as the whereas clauses are not part of the bill or resolution once they are passed (i.e., that language doesn't go into code...) that they themselves are not typically considered from a legal standpoint. However, in some cases, where the bill or resolution might be ambiguous on a particular issue, the whereas clauses along with other information "could" be used to make an interpretation of intent.

I hope this helps.

Regards,

Greg

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**From:** Stuart Kohn <[stukohn@verizon.net](mailto:stukohn@verizon.net)>

**Sent:** Thursday, July 26, 2018 6:32 PM

**To:** Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail; [HOWARD-CITIZEN@yahoogleroups.com](mailto:HOWARD-CITIZEN@yahoogleroups.com)

**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

FYI,

Councilwoman Jen Terrasa office was kind enough to respond to our question below regarding the Courthouse bidding process relating to distributing \$500,000 to non-winning bidders - see below.

I see the rational is contained in the "Whereas clause" of the contents of the referred Resolution as stated below. Does this clause have legality? We ask because the Office of Law at Monday's Work Session stated regarding CB59 - the PSA Expansion that the "Whereas" does not have the weight one would think. Specifically, we stated that the case and contents of the Bill was all about "Zoning" rather than the Office of Law claiming "Planning" to justify the Council can proceed despite what the Code of Ordinance of Title 16, Section 16.211 after a Primary election.

So we are confused as to the law regarding the "Whereas clause" now and in the future? How much weight does one give when reviewing any Bill or Resolution in order to comment when testifying before any body such as the Council, Zoning Board, Planning Board, Hearing Examiner, or Board of Appeals, etc.? This is very important so we can obtain a solid reading to have the opportunity to get educated for future testimonies.

Sincerely,

Stu Kohn

HCCA, President

Sent from my iPhone

Begin forwarded message:

**From:** "Terrasa, Jen" <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>

**Date:** July 26, 2018 at 5:16:16 PM EDT

**To:** "'[stukohn@verizon.net](mailto:stukohn@verizon.net)'" <[stukohn@verizon.net](mailto:stukohn@verizon.net)>

**Subject:** RE: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Hi Stu,

The fee was approved as a part of the resolution last year that indicated support for the courthouse.

County Resolution 27-2017, A RESOLUTION indicating support by both the County Council and County Executive for a project to finance and construct a new courthouse

Included the following:

WHEREAS, given the substantial costs likely to be borne by potential responders to the County's Request for Proposals for the Project, while understanding the preliminary nature of the projections and analysis conducted by County staff and consulting services, it is necessary that the County's governing body demonstrate support for the Project in order to obtain proposals from qualified contractors and commit necessary resources before officially starting the procurement for the Project

As it was explained to me by the county auditor, the companies that submitted proposals likely spent significantly more than the amount of that fee to put their proposals together, and paying such a fee is an international standard to secure the most qualified proposals. Please let me know if you have any further questions. Thanks very much!

Kindest regards,

Melissa

~~~~~

Melissa Affolter

Special Assistant to Councilwoman Jen Terrasa



Howard County Council, District 3

3430 Court House Drive || Ellicott City, MD 21043

Office: 410.313.3108 || Fax: 410.313.3297

Sign up for [Jen's newsletter!](#)

**From:** [stukohn@verizon.net](mailto:stukohn@verizon.net) <[stukohn@verizon.net](mailto:stukohn@verizon.net)>

**Sent:** Thursday, July 26, 2018 4:50 PM

**To:** Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>; Wilson, B Diane <[BDWilson@howardcountymd.gov](mailto:BDWilson@howardcountymd.gov)>; CouncilMail

<[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>; [howard-citizen@yahoogroups.com](mailto:howard-citizen@yahoogroups.com)

**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Marlena,

Thanks for the information. I see the concern we have is in your attachment -- "image1." It states, "Stipend Amount -- a Stipend in the amount of \$500,000 to be provided to each unsuccessful Proposer that submits a qualifying proposal."

**This NEEDS TO BE EXPLAINED TO ALL CONCERNED PARTIES -- In particular, THE CITIZENS AND VOTERS OF HOWARD COUNTY. All we are asking is for someone to PLEASE Explain the Rational for this particular clause. What will be the maximum of "unsuccessful Proposers?" What is the maximum amount of money are we prepared to distribute to those who are not the winning bidders?**

Sincerely,

Stu Kohn

HCCA, President

-----Original Message-----

From: Marlana Jareaux [m.jareaux@icloud.com](mailto:m.jareaux@icloud.com) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

To: HOWARD-CITIZEN <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

Sent: Thu, Jul 26, 2018 1:35 pm

Subject: Re: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Bob

I hope you added the council email address to your reply so THEY can see/get it?

Stu,

I'm attaching for you and everyone two documents to this email. One is the section in the county's purchasing documents about the 500k, and the other is the entire document. That's where I got that info, after fighting to get them to give it to me.

Marlena Jareaux

Sent from my iPad

On Jul 26, 2018, at 1:29 PM, Bob Doyle [gobikebob@verizon.net](mailto:gobikebob@verizon.net) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)> wrote:

Must say I concur with all the HCCA positions 100% - just hope the Council will agree.

Bob Doyle

Sent from my iPhone

On Jul 26, 2018, at 12:59 PM, Russ Swatek [swatek1@yahoo.com](mailto:swatek1@yahoo.com) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)> wrote:

Dear Council Members,

I support HCCA's stated position on each of the bills addressed below.

Russ Swatek

8141 Tamar Drive

Columbia, MD 21045

----- Forwarded Message -----

**From:** [stukohn@verizon.net](mailto:stukohn@verizon.net) [HOWARD-CITIZEN]  
<[HOWARD-CITIZEN@yahoogleroups.com](mailto:HOWARD-CITIZEN@yahoogleroups.com)>

**To:** "[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)"  
<[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)>; "[howard-citizen@yahoogleroups.com](mailto:howard-citizen@yahoogleroups.com)" <[howard-citizen@yahoogleroups.com](mailto:howard-citizen@yahoogleroups.com)>

**Sent:** Thursday, July 26, 2018, 11:32:27 AM EDT

**Subject:** [HOWARD-CITIZEN] Major Decision Day for Council Members [5 Attachments]

Dear Council and Listserve Members,

Tomorrow, Friday, 27 July will play a major part in each of the Councilmembers legacy. They will be voting on several all-important Bills and a Resolution that will forever have a major impact on our County for years. These Bills are CB54 – the Courthouse, CB59 – the expansion of the Planned Service Area (PSA), CB56 – Moratorium for Mitigation for Ellicott City, CB58 – Scenic Roads legislation, and CR119 – Amending the Water and Sewer line.

Please refer to the attachments which is our Howard County Citizens Association, HCCA testimony presented to the County Council during two nights. The Council we only hope will consider the very compelling testimony which was heard on these Bills and Resolution. We believe the Council should vote as follows:

**CB54 – *Table*** until such time all the facts have completely been answered especially the financing and the contract arrangements. If true -- we do not understand why two losing bidders will each receive \$500,000?

**CB59 – Vote *No or let the Bill Expire.*** The New Council should be completely in charge of this decision. We don't for the life of us understand the explanation of the Office of Law that this is a "Planning" issue not a "Zoning" issue. The content of the Bill states otherwise. Under the HC Code of Ordinances, Title 16, Section 16.211 the Council is not permitted to act on Zoning matters after the Primary.

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**CB58 – Vote *Yes with amendments.*** Something needs to be done to save some land and potentially make things safer.

**CR119 – Despite the fact Administrative rules were completely ignored the Council should vote *Yes* because of declared Health hazards.**

You can go to our website at <http://howardcountyhcca.org/member-info/reports-documents-and-testimonies/> to see our testimonies. Not all of the aforementioned Bills and Resolution have been posted on our site but will be soon.

Hopefully the Council will make the right decisions at their Legislative Hearing starting at 10AM at the George Howard Building.

Sincerely,

Stu Kohn

HCCA, President

## Sayers, Margery

---

**From:** Marlena Jareaux <m.jareaux@icloud.com>  
**Sent:** Friday, July 27, 2018 12:42 AM  
**To:** HOWARD-CITIZEN@yahoogroups.com  
**Cc:** Fox, Greg; Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail  
**Subject:** Re: [HOWARD-CITIZEN] Major Decision Day for Council Members

Nothing should be this mysterious, elusive, or ambiguous as it relates to Council matters. The moment when one party has info and insight that the other doesn't, and no shared handbook exists, is the moment that disengagement sets in as well as distrust. If whereas clauses are able to mean different things in different contexts, that info should also be spelled out and travel along with the bill/resolution so that parties are all clear on that. That responsibility should fall upon the party trying to have done what they wish or are requesting/seeking.

Marlena

Sent from my iPad

On Jul 27, 2018, at 12:23 AM, Stuart Kohn [stukohn@verizon.net](mailto:stukohn@verizon.net) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)> wrote:

Greg,

I really appreciate you having the courtesy to respond to the question.

The simple matter for me and others is that I don't get it! Up until now for all these years I thought the "Whereas Clauses" had meaning now we find out it does not - something is wrong. If in fact it is "rational behind a Bill" then CB59 on page 1, lines 27 to 30 states that the Erickson case is about "a specific Zoning proposal" not anything about what the Office of Law says that it is about "Planning." I believe now that this has been brought to the surface after all these years we all need to apparently get more educated in this area for future testimony, Work Session discussions, and for any authority to better enable their decisions because it looks like the "Whereas" is ambiguous.

Sincerely,

Stu Kohn  
HCCA, President

Sent from my iPhone

On Jul 26, 2018, at 11:20 PM, Fox, Greg <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)> wrote:

Stu:

This is much better answered by our office of law and they have done so in a number of public meetings in the past. I will give you my understanding, but I

will reiterate that I am NOT a lawyer nor does this serve as legal advise...just my understanding.

Basically, the whereas clauses are used occasionally to provide the rationale behind a bill -- to give it context. It might also provide some historical perspective, references to enabling legislation... At times, it also becomes a place for political posturing or grandstanding regardless of how inappropriate it might be.

It has been explained to us (at least my take on what has been explained) that as the whereas clauses are not part of the bill or resolution once they are passed (i.e., that language doesn't go into code...) that they themselves are not typically considered from a legal standpoint. However, in some cases, where the bill or resolution might be ambiguous on a particular issue, the whereas clauses along with other information "could" be used to make an interpretation of intent.

I hope this helps.

Regards,

Greg

---

**From:** Stuart Kohn <[stukohn@verizon.net](mailto:stukohn@verizon.net)>

**Sent:** Thursday, July 26, 2018 6:32 PM

**To:** Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail; [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)

**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

FYI,

Councilwoman Jen Terrasa office was kind enough to respond to our question below regarding the Courthouse bidding process relating to distributing \$500,000 to non-winning bidders - see below.

I see the rational is contained in the "Whereas clause" of the contents of the referred Resolution as stated below. Does this clause have legality? We ask because the Office of Law at Monday's Work Session stated regarding CB59 - the PSA Expansion that the "Whereas" does not have the weight one would think. Specifically, we stated that the case and contents of the Bill was all about "Zoning" rather than the Office of Law claiming "Planning" to justify the Council can proceed despite what the Code of Ordinance of Title 16, Section 16.211 after a Primary election.

So we are confused as to the law regarding the "Whereas clause" now and in the future? How much weight does one give when reviewing any Bill or Resolution in

order to comment when testifying before any body such as the Council, Zoning Board, Planning Board, Hearing Examiner, or Board of Appeals, etc.? This is very important so we can obtain a solid reading to have the opportunity to get educated for future testimonies.

Sincerely,

Stu Kohn  
HCCA, President

Sent from my iPhone

Begin forwarded message:

**From:** "Terrasa, Jen" <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>  
**Date:** July 26, 2018 at 5:16:16 PM EDT  
**To:** "'[stukohn@verizon.net](mailto:stukohn@verizon.net)'" <[stukohn@verizon.net](mailto:stukohn@verizon.net)>  
**Subject:** RE: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Hi Stu,

The fee was approved as a part of the resolution last year that indicated support for the courthouse.

County Resolution 27-2017, A RESOLUTION indicating support by both the County Council and County Executive for a project to finance and construct a new courthouse

Included the following:

WHEREAS, given the substantial costs likely to be borne by potential responders to the County's Request for Proposals for the Project, while understanding the preliminary nature of the projections and analysis conducted by County staff and consulting services, it is necessary that the County's governing body demonstrate support for the Project in order to obtain proposals from qualified contractors and commit necessary resources before officially starting the procurement for the Project



As it was explained to me by the county auditor, the companies that submitted proposals likely spent significantly more than the amount of that fee to put their proposals together, and paying such a fee is an international standard to secure the most qualified proposals. Please let me know if you have any further questions. Thanks very much!

Kindest regards,

Melissa

~~~~~  
~~~

Melissa Affolter

Special Assistant to Councilwoman Jen Terrasa

Howard County Council, District 3

3430 Court House Drive || Ellicott City, MD 21043

Office: 410.313.3108 || Fax: 410.313.3297

Sign up for [Jen's newsletter!](#)

**From:** [stukohn@verizon.net](mailto:stukohn@verizon.net) <[stukohn@verizon.net](mailto:stukohn@verizon.net)>

**Sent:** Thursday, July 26, 2018 4:50 PM

**To:** Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>;

Wilson, B Diane <[BDWilson@howardcountymd.gov](mailto:BDWilson@howardcountymd.gov)>; CouncilMail

<[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>; [\[citizen@yahoogroups.com\]\(mailto:citizen@yahoogroups.com\)](mailto:howard-</a></p></div><div data-bbox=)

**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Marlena,

Thanks for the information. I see the concern we have is in your attachment -- "image1." It states, "Stipend Amount -- a Stipend in the amount of \$500,000 to be provided to each unsuccessful Proposer that submits a qualifying proposal."

**This NEEDS TO BE EXPLAINED TO ALL CONCERNED PARTIES -- In particular, THE CITIZENS AND VOTERS OF HOWARD COUNTY. All we are asking is for someone to PLEASE Explain the Rational for this particular clause. What will be the maximum of "unsuccessful Proposers?" What is the maximum amount of money are we prepared to distribute to those who are not the winning bidders?**

Sincerely,

Stu Kohn

HCCA, President

-----Original Message-----

From: Marlena Jareaux [m.jareaux@icloud.com](mailto:m.jareaux@icloud.com) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

To: HOWARD-CITIZEN <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

Sent: Thu, Jul 26, 2018 1:35 pm

Subject: Re: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Bob

I hope you added the council email address to your reply so THEY can see/get it?

Stu,

I'm attaching for you and everyone two documents to this email. One is the section in the county's purchasing documents about the 500k, and the other is the entire document. That's where I got that info, after fighting to get them to give it to me.

Marlena Jareaux

Sent from my iPad

On Jul 26, 2018, at 1:29 PM, Bob Doyle [gobikebob@verizon.net](mailto:gobikebob@verizon.net) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahooogroups.com](mailto:HOWARD-CITIZEN@yahooogroups.com)> wrote:

Must say I concur with all the HCCA positions 100% -  
just hope the Council will agree.

Bob Doyle

Sent from my iPhone

On Jul 26, 2018, at 12:59 PM, Russ Swatek  
[swatek1@yahoo.com](mailto:swatek1@yahoo.com) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahooogroups.com](mailto:HOWARD-CITIZEN@yahooogroups.com)> wrote:

Dear Council Members,

I support HCCA's stated  
position on each of the  
bills addressed below.

Russ Swatek

8141 Tamar Drive

Columbia, MD 21045

----- Forwarded Message -----

**From:** [stukohn@verizon.net](mailto:stukohn@verizon.net) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahogroups.com](mailto:HOWARD-CITIZEN@yahogroups.com)>

**To:**  
"[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)"  
<[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)>;  
"[howard-citizen@yahogroups.com](mailto:howard-citizen@yahogroups.com)"  
<[howard-citizen@yahogroups.com](mailto:howard-citizen@yahogroups.com)>

**Sent:** Thursday, July 26, 2018, 11:32:27 AM EDT

**Subject:** [HOWARD-CITIZEN] Major Decision Day for Council Members [5 Attachments]

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Hopefully the Council will make the right decisions at their Legislative Hearing starting at 10AM at the George Howard Building.

Sincerely,

Stu Kohn

HCCA, President

---

Posted by: Stuart Kohn <[stukohn@verizon.net](mailto:stukohn@verizon.net)>

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NOTE 2: HCCA does not take responsibility for the content of messages posted on the listserv;  
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## Sayers, Margery

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**From:** Brenda Katz <laxkatz@comcast.net>  
**Sent:** Saturday, July 28, 2018 2:52 PM  
**To:** CouncilMail; Brenda Katz  
**Subject:** Scenic Road Bill ( CB- 58)

Dear County Council Members,

Decades ago I was part of a group who came before the County Council of that time to advocate on behalf of the preservation of the scenic road at Johns Hopkins / Gorman Rd. and Murray Hill. We were most grateful for your support then.

Here we are 25- 30 years later and much in this region is changing.

Once again, we are imploring the Council to assist us in preserving our scenic routes and the way of life in this portion of the County via a YES vote for Bill CB- 58, as we strive to encourage responsible development in this region.

My recommendation for development has been to reduce the number of homes in the proposed community at the Milk Producers Site and to include a beautiful hospice home, like the magnificent KLINE HOUSE in Frederick, Md. This will help reduce the onslaught of traffic congestion in an area of the conservative but where roads cannot be expanded.

As my son works for a huge international development firm... I am not one who feels it is reasonable to say NIMBY.. However, we need to look at environmental impact, impact on infrastructure and the county budget, & the concerning developmental, socio-educational impact on students by extreme overcrowding.

As we are working our way toward healthy development, we would be ever so grateful for your support as we navigate this inevitable change.. By supporting CB- 58 with a YES VOTE — and a NO VOTE to any AMENDMENTS.

Sincerely,

K. Brenda Katz  
703-980-1302,cell



## Sayers, Margery

---

**From:** Stuart Kohn <stukohn@verizon.net>  
**Sent:** Friday, July 27, 2018 6:49 PM  
**To:** Michael Davis  
**Cc:** HOWARD-CITIZEN@yahoogroups.com; Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail  
**Subject:** Re: [HOWARD-CITIZEN] Major Decision Day for Council Members

Mike,

Thanks for the response. The major problem regarding CB59 was as stated the "Whereas Clause" NEVER contained anywhere in the contents of the entire Bill any reference to "Planning" as stated by the Office of Law. We completely disagree with their assessment based on the "Whereas Clause" which stated this was a "Zoning Process."

We do in fact spend an inordinate amount of time preparing our testimony based on these "Whereas Clauses." We recommend during the Legislative process amendments based on such Clauses.

The bottom line is unfortunately it doesn't make much of a difference as voted on by the Council.

Stu Kohn  
HCCA, President

Sent from my iPhone

On Jul 27, 2018, at 3:48 PM, Michael Davis <[MDavis@darslaw.com](mailto:MDavis@darslaw.com)> wrote:

Stu,

The answer is that the "whereas" provisions should be studied every bit as much as the bill itself when it is filed. If there are questions or concerns raised by anything contained in a "whereas clause," they should be raised during the legislative process.

As for the why they are used, there are lots of reasons, some of which were set forth in my earlier email. The overarching reason is that sometimes a bill's sponsor believes that what is included in the "whereas clause" may be needed to make sure the reasoning for the bill is told as clearly as possible. In taking a quick look at CB59, it is obvious that the sponsor wanted to layout the rationale that would support the passage of the bill.

I know I use "whereas clauses" when creating trust documents to ensure that my client's wishes are understood and those clauses are invaluable for that purpose. Removing or limiting that ability to include these clauses in bills is unlikely and probably not even a good idea. Instead, as stated above, when HCCA reviews bills in the future that include "whereas clauses," I would suggest spending an appropriate amount of time on these clauses too. They can be amended or removed during the legislative process.

Best,

Mike

<image001.jpg>

**Michael W. Davis** | Attorney  
[mdavis@darslaw.com](mailto:mdavis@darslaw.com)  
10211 Wincopin Circle | Suite 600  
Columbia, Maryland 21044  
443.283.0680 direct | 410.995.5800 main  
[www.darslaw.com](http://www.darslaw.com)

<image003.png> <image005.png>

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**From:** Stuart Kohn [<mailto:stukohn@verizon.net>]  
**Sent:** Friday, July 27, 2018 2:48 PM  
**To:** Michael Davis <[MDavis@darslaw.com](mailto:MDavis@darslaw.com)>  
**Cc:** [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com); Terrasa, Jen <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>; Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>; Wilson, B Diane <[BDWilson@howardcountymd.gov](mailto:BDWilson@howardcountymd.gov)>; CouncilMail <[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>  
**Subject:** Re: [HOWARD-CITIZEN] Major Decision Day for Council Members

Mike,

Thanks for weighing in the conversation.

When referring to your last paragraph below then the “Whereas Clause” needs to be looked into for all so we can have a lot less ambiguity. Unfortunately the Office of Law stated this Bill was about “Planning” but it was never described as such in CB59. As stated previously on page 1, lines 27 to 30 says it is a “Zoning Proposal.” No where did it state the intent is a “Planning Process.” Perhaps the Office of Law could work with concerned parties to better the process. Would this be possible?

The question is why then do we always see “Whereas Clauses” throughout Bills and Resolutions? Do you have any recommendations that would perhaps have more meaning for all. It obviously is to late for CB59 - the expansion of the Planned Service Area since it was unanimously approved this morning by the Council. It is the future we are concerned about to obtain a better means of understanding for all.

Stu Kohn  
HCCA, President

Sent from my iPhone

On Jul 27, 2018, at 8:46 AM, Michael Davis <[MDavis@darslaw.com](mailto:MDavis@darslaw.com)> wrote:

Hi all,

To elaborate a bit on Greg's comments, the question about the purpose of "whereas clauses" is that they can be used to explain laws that can be interpreted in more than one way, that is, in an ambiguous manner.

Backing up, legislative interpretation is an exercise often employed by attorneys in determining how laws should be applied. The first step used to interpret a law is to look within "the four corners" of the law. Is the language ambiguous? Can the language be reasonably interpreted in more than one way? It is surprising how often the answer to this question is "yes." In any case, if the answer is "no," then the "plain meaning" of the law is applied to the particular situation.

However, when the answer is "yes," there are several tools that can be used to interpret a law. In the federal system, there are entire legislative histories associated with most laws that can be used to help determine what the intent of Congress was when a law was passed. These histories can include comments from the floor of Congress, hearing transcripts, whatever. In Maryland, we usually do not have such legislative histories to help us.

In Maryland, we resort to legal definitions of words or phrases that were used (which is why so-called "legalese" is important), case law that was based on prior attempts by a court to interpret similar kinds of laws (e.g. precedent), and plain old-fashioned arguments to help discern the intent of the legislature when a particular bill was passed into law.

And, in rare cases, we have the "whereas clauses." These clauses, as Greg noted, provide context for a particular bill. What issue was trying to be addressed? Was there some national or state interest that was being addressed? Was there a particular factual situation that required legislative action? All of these, and more, can be incorporated into the "whereas clauses." If these clauses were included in the passage of a bill, they are fair game to be used in the future to help guide how the law should be interpreted.

Most bills do not employ whereas clauses – probably for good reason. But when they are used, they can be very helpful in explaining the intent behind the bill should it be necessary to do so.

Best,

Mike

P.S. I have not reviewed the entirety of Council Resolution 27-2017. My comments above are strictly based on general principles involved in legislative interpretation.

<image001.jpg>

**Michael W. Davis** | Attorney  
[mdavis@darslaw.com](mailto:mdavis@darslaw.com)

10211 Wincopin Circle | Suite 600  
Columbia, Maryland 21044  
443.283.0680 direct | 410.995.5800 main  
[www.darslaw.com](http://www.darslaw.com)

<image003.png> <image005.png>

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**From:** [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com) [<mailto:HOWARD-CITIZEN@yahoogroups.com>]

**Sent:** Thursday, July 26, 2018 11:21 PM

**To:** Stuart Kohn <[stukohn@verizon.net](mailto:stukohn@verizon.net)>; Terrasa, Jen <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>; Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>; Wilson, B Diane <[BDWilson@howardcountymd.gov](mailto:BDWilson@howardcountymd.gov)>; CouncilMail <[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>; [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)

**Subject:** Re: [HOWARD-CITIZEN] Major Decision Day for Council Members

Stu:

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Regards,

Greg

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**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

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Sincerely,

Stu Kohn  
HCCA, President

Sent from my iPhone

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**From:** "Terrasa, Jen" <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>  
**Date:** July 26, 2018 at 5:16:16 PM EDT  
**To:** "'[stukohn@verizon.net](mailto:stukohn@verizon.net)'" <[stukohn@verizon.net](mailto:stukohn@verizon.net)>  
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Kindest regards,

Melissa

~~~~~  
~~~

Melissa Affolter

Special Assistant to Councilwoman Jen Terrasa

Howard County Council, District 3

3430 Court House Drive || Ellicott City, MD 21043

Sign up for [Jen's newsletter!](#)

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**To:** Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>;  
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**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Marlena,

Thanks for the information. I see the concern we have is in your attachment -- "image1." It states, "Stipend Amount -- a Stipend in the amount of \$500,000 to be provided to each unsuccessful Proposer that submits a qualifying proposal."

**This NEEDS TO BE EXPLAINED TO ALL CONCERNED PARTIES -- In particular, THE CITIZENS AND VOTERS OF HOWARD COUNTY. All we are asking is for someone to PLEASE Explain the Rational for this particular clause. What will be the maximum of "unsuccessful Proposers?" What is the maximum amount of money are we prepared to distribute to those who are not the winning bidders?**

Sincerely,

Stu Kohn

HCCA, President

-----Original Message-----

From: Marlena Jareaux [m.jareaux@icloud.com](mailto:m.jareaux@icloud.com) [HOWARD-CITIZEN]  
<[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

To: HOWARD-CITIZEN <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

Sent: Thu, Jul 26, 2018 1:35 pm

Subject: Re: [HOWARD-CITIZEN] Major Decision Day for Council  
Members [2 Attachments]

Bob

I hope you added the council email address to your reply so THEY can see/get it?

Stu,

I'm attaching for you and everyone two documents to this email. One is the section in the county's purchasing documents about the 500k, and the other is the entire document. That's where I got that info, after fighting to get them to give it to me.

Marlena Jareaux

Sent from my iPad

On Jul 26, 2018, at 1:29 PM, Bob Doyle [gobikebob@verizon.net](mailto:gobikebob@verizon.net)  
[HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)> wrote:

Must say I concur with all the HCCA positions 100% -  
just hope the Council will agree.

Bob Doyle

Sent from my iPhone

On Jul 26, 2018, at 12:59 PM, Russ Swatek  
[swatek1@yahoo.com](mailto:swatek1@yahoo.com) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)> wrote:



Dear Council Members,

I support HCCA's stated position on each of the bills addressed below.

Russ Swatek

8141 Tamar Drive

Columbia, MD 21045

----- Forwarded Message -----

**From:** [stukohn@verizon.net](mailto:stukohn@verizon.net) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

**To:**  
"[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)"  
<[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)>;  
"[howard-citizen@yahoogroups.com](mailto:howard-citizen@yahoogroups.com)"  
<[howard-citizen@yahoogroups.com](mailto:howard-citizen@yahoogroups.com)>

**Sent:** Thursday, July 26, 2018, 11:32:27 AM EDT

**Subject:** [HOWARD-CITIZEN] Major Decision Day for Council Members [5 Attachments]

Dear Council and Listserve Members,

Tomorrow, Friday, 27 July will play a major part in each of the Councilmembers legacy. They will be voting on several all-important Bills and a Resolution that will forever have a major impact on our

County for years. These Bills are CB54 – the Courthouse, CB59 – the expansion of the Planned Service Area (PSA), CB56 – Moratorium for Mitigation for Ellicott City, CB58 – Scenic Roads legislation, and CR119 – Amending the Water and Sewer line.

Please refer to the attachments which is our Howard County Citizens Association, HCCA testimony presented to the County Council during two nights. The Council we only hope will consider the very compelling testimony which was heard on these Bills and Resolution. We believe the Council should vote as follows:

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ago when Councilman Weinstein introduced it, but unfortunately none of his colleagues supported him. Now they are which is appreciated.

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**CR119 –** Despite the fact Administrative rules were completely ignored the Council should vote *Yes* because of declared Health hazards.

You can go to our website at <http://howardcountyhcca.org/member-info/reports-documents-and-testimonies/> to see our testimonies. Not all of the aforementioned Bills and Resolution have been posted on our site but will be soon.

Hopefully the Council will make the right decisions at their Legislative Hearing starting at 10AM at the George Howard Building.

Sincerely,

Stu Kohn

HCCA, President

---

Posted by: "Fox, Greg" <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

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## Sayers, Margery

---

**From:** Michael Davis <MDavis@darslaw.com>  
**Sent:** Friday, July 27, 2018 3:49 PM  
**To:** Stuart Kohn  
**Cc:** HOWARD-CITIZEN@yahoogroups.com; Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail  
**Subject:** RE: [HOWARD-CITIZEN] Major Decision Day for Council Members

Stu,

The answer is that the “whereas” provisions should be studied every bit as much as the bill itself when it is filed. If there are questions or concerns raised by anything contained in a “whereas clause,” they should be raised during the legislative process.

As for the why they are used, there are lots of reasons, some of which were set forth in my earlier email. The overarching reason is that sometimes a bill’s sponsor believes that what is included in the “whereas clause” may be needed to make sure the reasoning for the bill is told as clearly as possible. In taking a quick look at CB59, it is obvious that the sponsor wanted to layout the rationale that would support the passage of the bill.

I know I use “whereas clauses” when creating trust documents to ensure that my client’s wishes are understood and those clauses are invaluable for that purpose. Removing or limiting that ability to include these clauses in bills is unlikely and probably not even a good idea. Instead, as stated above, when HCCA reviews bills in the future that include “whereas clauses,” I would suggest spending an appropriate amount of time on these clauses too. They can be amended or removed during the legislative process.

Best,

Mike



**Michael W. Davis** | Attorney  
[mdavis@darslaw.com](mailto:mdavis@darslaw.com)  
10211 Wincopin Circle | Suite 600  
Columbia, Maryland 21044  
443.283.0680 direct | 410.995.5800 main  
[www.darslaw.com](http://www.darslaw.com)



---

**From:** Stuart Kohn [mailto:stukohn@verizon.net]  
**Sent:** Friday, July 27, 2018 2:48 PM  
**To:** Michael Davis <MDavis@darslaw.com>

Cc: HOWARD-CITIZEN@yahoogroups.com; Terrasa, Jen <jterrasa@howardcountymd.gov>; Kittleman, Allan <AKittleman@howardcountymd.gov>; Wilson, B Diane <BDWilson@howardcountymd.gov>; CouncilMail <CouncilMail@howardcountymd.gov>

Subject: Re: [HOWARD-CITIZEN] Major Decision Day for Council Members

Mike,

Thanks for weighing in the conversation.

When referring to your last paragraph below then the “Whereas Clause” needs to be looked into for all so we can have a lot less ambiguity. Unfortunately the Office of Law stated this Bill was about “Planning” but it was never described as such in CB59. As stated previously on page 1, lines 27 to 30 says it is a “Zoning Proposal.” No where did it state the intent is a “Planning Process.” Perhaps the Office of Law could work with concerned parties to better the process. Would this be possible?

The question is why then do we always see “Whereas Clauses” throughout Bills and Resolutions? Do you have any recommendations that would perhaps have more meaning for all. It obviously is to late for CB59 - the expansion of the Planned Service Area since it was unanimously approved this morning by the Council. It is the future we are concerned about to obtain a better means of understanding for all.

Stu Kohn  
HCCA, President

Sent from my iPhone

On Jul 27, 2018, at 8:46 AM, Michael Davis <[MDavis@darslaw.com](mailto:MDavis@darslaw.com)> wrote:

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Backing up, legislative interpretation is an exercise often employed by attorneys in determining how laws should be applied. The first step used to interpret a law is to look within “the four corners” of the law. Is the language ambiguous? Can the language be reasonably interpreted in more than one way? It is surprising how often the answer to this question is “yes.” In any case, if the answer is “no,” then the “plain meaning” of the law is applied to the particular situation.

However, when the answer is “yes,” there are several tools that can be used to interpret a law. In the federal system, there are entire legislative histories associated with most laws that can be used to help determine what the intent of Congress was when a law was passed. These histories can include comments from the floor of Congress, hearing transcripts, whatever. In Maryland, we usually do not have such legislative histories to help us.

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arguments to help discern the intent of the legislature when a particular bill was passed into law.

And, in rare cases, we have the “whereas clauses.” These clauses, as Greg noted, provide context for a particular bill. What issue was trying to be addressed? Was there some national or state interest that was being addressed? Was there a particular factual situation that required legislative action? All of these, and more, can be incorporated into the “whereas clauses.” If these clauses were included in the passage of a bill, they are fair game to be used in the future to help guide how the law should be interpreted.

Most bills do not employ whereas clauses – probably for good reason. But when they are used, they can be very helpful in explaining the intent behind the bill should it be necessary to do so.

Best,

Mike

P.S. I have not reviewed the entirety of Council Resolution 27-2017. My comments above are strictly based on general principles involved in legislative interpretation.

<image001.jpg>

**Michael W. Davis** | Attorney  
[mdavis@darslaw.com](mailto:mdavis@darslaw.com)  
10211 Wincopin Circle | Suite 600  
Columbia, Maryland 21044  
443.283.0680 direct | 410.995.5800 main  
[www.darslaw.com](http://www.darslaw.com)

<image003.png> <image005.png>

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**From:** [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com) [<mailto:HOWARD-CITIZEN@yahoogroups.com>]

**Sent:** Thursday, July 26, 2018 11:21 PM

**To:** Stuart Kohn <[stukohn@verizon.net](mailto:stukohn@verizon.net)>; Terrasa, Jen <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>; Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>; Wilson, B Diane <[BDWilson@howardcountymd.gov](mailto:BDWilson@howardcountymd.gov)>; CouncilMail <[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>; [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)

**Subject:** Re: [HOWARD-CITIZEN] Major Decision Day for Council Members

Stu:

This is much better answered by our office of law and they have done so in a number of public meetings in the past. I will give you my understanding, but I will reiterate that I am NOT a lawyer nor does this serve as legal advise...just my understanding.

Basically, the whereas clauses are used occasionally to provide the rationale behind a bill -- to give it context. It might also provide some historical perspective, references to enabling



legislation... At times, it also becomes a place for political posturing or grandstanding regardless of how inappropriate it might be.

It has been explained to us (at least my take on what has been explained) that as the whereas clauses are not part of the bill or resolution once they are passed (i.e., that language doesn't go into code...) that they themselves are not typically considered from a legal standpoint. However, in some cases, where the bill or resolution might be ambiguous on a particular issue, the whereas clauses along with other information "could" be used to make an interpretation of intent.

I hope this helps.

Regards,

Greg

---

**From:** Stuart Kohn <[stukohn@verizon.net](mailto:stukohn@verizon.net)>  
**Sent:** Thursday, July 26, 2018 6:32 PM  
**To:** Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail; [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)  
**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

FYI,

Councilwoman Jen Terrasa office was kind enough to respond to our question below regarding the Courthouse bidding process relating to distributing \$500,000 to non-winning bidders - see below.

I see the rationale is contained in the "Whereas clause" of the contents of the referred Resolution as stated below. Does this clause have legality? We ask because the Office of Law at Monday's Work Session stated regarding CB59 - the PSA Expansion that the "Whereas" does not have the weight one would think. Specifically, we stated that the case and contents of the Bill was all about "Zoning" rather than the Office of Law claiming "Planning" to justify the Council can proceed despite what the Code of Ordinance of Title 16, Section 16.211 after a Primary election.

So we are confused as to the law regarding the "Whereas clause" now and in the future? How much weight does one give when reviewing any Bill or Resolution in order to comment when testifying before any body such as the Council, Zoning Board, Planning Board, Hearing Examiner, or Board of Appeals, etc.? This is very important so we can obtain a solid reading to have the opportunity to get educated for future testimonies.

Sincerely,

Stu Kohn  
HCCA, President

Sent from my iPhone

Begin forwarded message:

**From:** "Terrasa, Jen" <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>  
**Date:** July 26, 2018 at 5:16:16 PM EDT  
**To:** "'[stukohn@verizon.net](mailto:stukohn@verizon.net)'" <[stukohn@verizon.net](mailto:stukohn@verizon.net)>  
**Subject:** RE: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Hi Stu,

The fee was approved as a part of the resolution last year that indicated support for the courthouse.

County Resolution 27-2017, A RESOLUTION indicating support by both the County Council and County Executive for a project to finance and construct a new courthouse

Included the following:

WHEREAS, given the substantial costs likely to be borne by potential responders to the County's Request for Proposals for the Project, while understanding the preliminary nature of the projections and analysis conducted by County staff and consulting services, it is necessary that the County's governing body demonstrate support for the Project in order to obtain proposals from qualified contractors and commit necessary resources before officially starting the procurement for the Project

As it was explained to me by the county auditor, the companies that submitted proposals likely spent significantly more than the amount of that fee to put their proposals together, and paying such a fee is an international standard to secure the most qualified proposals. Please let me know if you have any further questions. Thanks very much!

Kindest regards,

Melissa

~~~~~

Melissa Affolter

Special Assistant to Councilwoman Jen Terrasa

Howard County Council, District 3

3430 Court House Drive || Ellicott City, MD 21043

Office: 410.313.3108 || Fax: 410.313.3297

Sign up for [Jen's newsletter!](#)

**From:** [stukohn@verizon.net](mailto:stukohn@verizon.net) <[stukohn@verizon.net](mailto:stukohn@verizon.net)>  
**Sent:** Thursday, July 26, 2018 4:50 PM  
**To:** Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>; Wilson, B Diane <[BDWilson@howardcountymd.gov](mailto:BDWilson@howardcountymd.gov)>; CouncilMail <[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>; [howard-citizen@yahogroups.com](mailto:howard-citizen@yahogroups.com)  
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HCCA, President

-----Original Message-----

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HCCA, President

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## Sayers, Margery

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**Cc:** HOWARD-CITIZEN@yahooogroups.com; Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail  
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<image001.jpg>

**Michael W. Davis** | Attorney  
[mdavis@darslaw.com](mailto:mdavis@darslaw.com)  
10211 Wincopin Circle | Suite 600  
Columbia, Maryland 21044  
443.283.0680 direct | 410.995.5800 main  
[www.darslaw.com](http://www.darslaw.com)

<image003.png> <image005.png>

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**From:** [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com) [<mailto:HOWARD-CITIZEN@yahoogroups.com>]  
**Sent:** Thursday, July 26, 2018 11:21 PM  
**To:** Stuart Kohn <[stukohn@verizon.net](mailto:stukohn@verizon.net)>; Terrasa, Jen <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>; Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>; Wilson, B Diane <[BDWilson@howardcountymd.gov](mailto:BDWilson@howardcountymd.gov)>; CouncilMail <[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>; [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)  
**Subject:** Re: [HOWARD-CITIZEN] Major Decision Day for Council Members

Stu:

This is much better answered by our office of law and they have done so in a number of public meetings in the past. I will give you my understanding, but I will reiterate that I am NOT a lawyer nor does this serve as legal advise...just my understanding.

Basically, the whereas clauses are used occasionally to provide the rationale behind a bill -- to give it context. It might also provide some historical perspective, references to enabling legislation... At times, it also becomes a place for political posturing or grandstanding regardless of how inappropriate it might be.

It has been explained to us (at least my take on what has been explained) that as the whereas clauses are not part of the bill or resolution once they are passed (i.e., that language doesn't go into code...) that they themselves are not typically considered from a legal standpoint. However, in some cases, where the bill or resolution might be ambiguous on a particular issue, the whereas clauses along with other information "could" be used to make an interpretation of intent.

I hope this helps.

Regards,

Greg

---

**From:** Stuart Kohn <[stukohn@verizon.net](mailto:stukohn@verizon.net)>

**Sent:** Thursday, July 26, 2018 6:32 PM

**To:** Terrasa, Jen; Kittleman, Allan; Wilson, B Diane; CouncilMail; [HOWARD-CITIZEN@yahogroups.com](mailto:HOWARD-CITIZEN@yahogroups.com)

**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

FYI,

Councilwoman Jen Terrasa office was kind enough to respond to our question below regarding the Courthouse bidding process relating to distributing \$500,000 to non-winning bidders - see below.

I see the rational is contained in the "Whereas clause" of the contents of the referred Resolution as stated below. Does this clause have legality? We ask because the Office of Law at Monday's Work Session stated regarding CB59 - the PSA Expansion that the "Whereas" does not have the weight one would think. Specifically, we stated that the case and contents of the Bill was all about "Zoning" rather than the Office of Law claiming "Planning" to justify the Council can proceed despite what the Code of Ordinance of Title 16, Section 16.211 after a Primary election.

So we are confused as to the law regarding the "Whereas clause" now and in the future? How much weight does one give when reviewing any Bill or Resolution in order to comment when testifying before any body such as the Council, Zoning Board, Planning Board, Hearing Examiner, or Board of Appeals, etc.? This is very important so we can obtain a solid reading to have the opportunity to get educated for future testimonies.

Sincerely,

Stu Kohn  
HCCA, President

Sent from my iPhone

Begin forwarded message:

**From:** "Terrasa, Jen" <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>  
**Date:** July 26, 2018 at 5:16:16 PM EDT  
**To:** "'[stukohn@verizon.net](mailto:stukohn@verizon.net)'" <[stukohn@verizon.net](mailto:stukohn@verizon.net)>  
**Subject:** RE: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Hi Stu,

The fee was approved as a part of the resolution last year that indicated support for the courthouse.

County Resolution 27-2017, A RESOLUTION indicating support by both the County Council and County Executive for a project to finance and construct a new courthouse

Included the following:

WHEREAS, given the substantial costs likely to be borne by potential responders to the County's Request for Proposals for the Project, while understanding the preliminary nature of the projections and analysis conducted by County staff and consulting services, it is necessary that the County's governing body demonstrate support for the Project in order to obtain proposals from qualified contractors and commit necessary resources before officially starting the procurement for the Project

As it was explained to me by the county auditor, the companies that submitted proposals likely spent significantly more than the amount of that fee to put their proposals together, and paying such a fee is an international

standard to secure the most qualified proposals. Please let me know if you have any further questions. Thanks very much!

Kindest regards,

Melissa

~~~~~

Melissa Affolter

Special Assistant to Councilwoman Jen Terrasa

Howard County Council, District 3

3430 Court House Drive || Ellicott City, MD 21043

Office: 410.313.3108 || Fax: 410.313.3297

Sign up for [Jen's newsletter!](#)

**From:** [stukohn@verizon.net](mailto:stukohn@verizon.net) <[stukohn@verizon.net](mailto:stukohn@verizon.net)>  
**Sent:** Thursday, July 26, 2018 4:50 PM  
**To:** Kittleman, Allan <[AKittleman@howardcountymd.gov](mailto:AKittleman@howardcountymd.gov)>; Wilson, B Diane <[BDWilson@howardcountymd.gov](mailto:BDWilson@howardcountymd.gov)>; CouncilMail <[CouncilMail@howardcountymd.gov](mailto:CouncilMail@howardcountymd.gov)>; [howard-citizen@yahoogroups.com](mailto:howard-citizen@yahoogroups.com)  
**Subject:** Fwd: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Marlena,

Thanks for the information. I see the concern we have is in your attachment -- "image1." It states, "Stipend Amount -- a Stipend in the amount of \$500,000 to be provided to each unsuccessful Proposer that submits a qualifying proposal."

**This NEEDS TO BE EXPLAINED TO ALL CONCERNED PARTIES -- In particular, THE CITIZENS AND VOTERS OF HOWARD COUNTY. All we are asking is for someone to PLEASE Explain the Rational for this particular clause. What will be the maximum of "unsuccessful Proposers?" What is the maximum amount of money are we prepared to distribute to those who are not the winning bidders?**

Sincerely,

Stu Kohn

HCCA, President

-----Original Message-----

From: Marlana Jareaux [m.jareaux@icloud.com](mailto:m.jareaux@icloud.com) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogleroups.com](mailto:HOWARD-CITIZEN@yahoogleroups.com)>

To: HOWARD-CITIZEN <[HOWARD-CITIZEN@yahoogleroups.com](mailto:HOWARD-CITIZEN@yahoogleroups.com)>

Sent: Thu, Jul 26, 2018 1:35 pm

Subject: Re: [HOWARD-CITIZEN] Major Decision Day for Council Members [2 Attachments]

Bob

I hope you added the council email address to your reply so THEY can see/get it?

Stu,

I'm attaching for you and everyone two documents to this email. One is the section in the county's purchasing documents about the 500k, and the other is the entire document. That's where I got that info, after fighting to get them to give it to me.

Marlana Jareaux

Sent from my iPad

On Jul 26, 2018, at 1:29 PM, Bob Doyle [gobikebob@verizon.net](mailto:gobikebob@verizon.net) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)> wrote:

Must say I concur with all the HCCA positions 100% - just hope the Council will agree.

Bob Doyle

Sent from my iPhone

On Jul 26, 2018, at 12:59 PM, Russ Swatek [swatek1@yahoo.com](mailto:swatek1@yahoo.com) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)> wrote:

Dear Council Members,

I support HCCA's stated position on each of the bills addressed below.

Russ Swatek

8141 Tamar Drive

Columbia, MD 21045

----- Forwarded Message -----

**From:** [stukohn@verizon.net](mailto:stukohn@verizon.net) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

**To:** "[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)" <[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)>; "[howard-citizen@yahoogroups.com](mailto:howard-citizen@yahoogroups.com)" <[howard-citizen@yahoogroups.com](mailto:howard-citizen@yahoogroups.com)>

**Sent:** Thursday, July 26, 2018, 11:32:27 AM EDT

**Subject:** [HOWARD-CITIZEN] Major Decision Day for Council Members [5 Attachments]

Dear Council and Listserve Members,

Tomorrow, Friday, 27 July will play a major part in each of the Councilmembers legacy. They will be voting on several all-important Bills and a Resolution that will forever have a major impact on our County for years. These Bills are CB54 – the Courthouse, CB59 – the expansion of the Planned Service Area (PSA), CB56 – Moratorium for Mitigation for Ellicott City, CB58 – Scenic Roads legislation, and CR119 – Amending the Water and Sewer line.

Please refer to the attachments which is our Howard County Citizens Association, HCCA testimony presented to the County Council during two nights. The Council we only hope will consider the very compelling testimony which was heard on these Bills and Resolution. We believe the Council should vote as follows:

**CB54 – *Table*** until such time all the facts have completely been answered especially the financing and the contract arrangements. If true -- we do not understand why two losing bidders will each receive \$500,000?

**CB59 – Vote *No or let the Bill Expire*.** The New Council should be completely in charge of this decision. We don't for the life of us understand the explanation of the Office of Law that this is a "Planning" issue not a "Zoning" issue. The content of the Bill states otherwise. Under the HC Code of Ordinances, Title 16, Section 16.211 the Council is not permitted to act on Zoning matters after the Primary.



**CB56 – Vote *Yes with recommended amendments*.** This Bill should have occurred two years ago when Councilman Weinstein introduced it, but unfortunately none of his colleagues supported him. Now they are which is appreciated.

**CB58 – Vote *Yes with amendments*.** Something needs to be done to save some land and potentially make things safer.

**CR119 –** Despite the fact Administrative rules were completely ignored the Council should vote *Yes* because of declared Health hazards.

You can go to our website at <http://howardcountyhcca.org/member-info/reports-documents-and-testimonies/> to see our testimonies. Not all of the aforementioned Bills and Resolution have been posted on our site but will be soon.

Hopefully the Council will make the right decisions at their Legislative Hearing starting at 10AM at the George Howard Building.

Sincerely,

Stu Kohn

HCCA, President

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Posted by: "Fox, Greg" <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

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Sayers, Margery

---

**From:** Greg Giering <ggiering@yahoo.com>  
**Sent:** Friday, July 27, 2018 8:33 AM  
**To:** CouncilMail  
**Subject:** Scenic Roads bill (CB-58)

County Council,

I am writing as a concerned citizen of Hunters Creek neighborhood, to request that the Board vote FOR the updates proposed to the Scenic Road bill, and AGAINST any amendments that permit grandfathering in of any developments at any stage of the process. Roads throughout Howard County designated as Scenic, are disappearing, and once they are gone, they cannot be brought back.

I'm not against sensible development, but one that preserves the visual and aural characteristics of our Scenic roads. The citizens that live along these roads have to live with the results of rampant development, not the special interest developers who come in, make their money, and leave for the next project.

A VERY good example of this was the Emerson development. The ultimate plan for that development was to have the developer-built Skylark Boulevard (which services the majority of Emerson) continue out to MD 216. Gorman Road (a designated Scenic road) was never intended to be a permanent access/egress to Emerson. However, with the economic downturn of 2008, the developer was allowed to get out of completing the ultimate extension of this road. As such, the traffic volumes on Gorman have remained higher than anticipated. I'm sure the State Highway Administration would not have spent the \$100's of thousands to move back the exit ramp from I-95 to accommodate the planned intersection of Skylark and MD 216, if they knew it wasn't to ever be built.

Now we face a similar situation with the Milk Co-Op plant planned development. Allowing access to the planned development of **400 units** on Gorman Road would further erode the Scenic quality that has already been reduced because of the Emerson mis-development.

Thank you for your consideration.

Greg L. Giering

## Sayers, Margery

---

**From:** Norman B. Price II <normanprice@verizon.net>  
**Sent:** Thursday, July 26, 2018 8:07 AM  
**To:** CouncilMail  
**Subject:** Purposed Development on Leisher & Gorman Roads Laurel, MD

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

In an area already overcrowded with development, it is critical to implement smart development that incorporates the additional oversight and the community's input regarding safety/traffic mitigation to promote a higher quality of life for the new developments and their surrounding communities. CB58-2018 will provide this for developments on/near scenic roads. For example, increased development along Gorman Road has made the scenic road congested and has negatively impacted existing communities. Additional proposed development along this scenic two-lane road threatens its character, safety, and worsens traffic.

It is critical to protect scenic roads. Developments in the planning stages should be subject to the bill's requirements. It should not be amended to "grandfather" developments that in the planning stages. Ample time is available during the plan development and approval process to address the additional oversight and community input.

I urge you to protect scenic roads and vote "yes" to CB58-2018 as written.

Sincerely,

Norman B. Price II

Leisher Village Resident

Sent from NBPII

Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

**Sayers, Margery**

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**From:** Jeffrey Bernstein <doctorjeff1@gmail.com>  
**Sent:** Wednesday, July 25, 2018 10:08 PM  
**To:** CouncilMail  
**Subject:** Scenic Roads bill (CB58)

To whom it may concern:

Please vote YES to the Scenic Roads bill (CB-58), and NO to any amendments to permit grandfathering of current projects. This is common sense legislation and important to our community.

Thank you,

Jeffrey Bernstein, M.D.

## Sayers, Margery

---

**From:** Jacinta L. Felice <jfelice@umd.edu>  
**Sent:** Wednesday, July 25, 2018 5:45 PM  
**To:** CouncilMail  
**Cc:** Jacinta L. Felice  
**Subject:** Bill #58-2018

Good Morning,

I'm writing to provide testimony for BILL NO. 58– 2018, introduced by Calvin Ball and Jennifer Terrasa. I support the move to amend the Howard County Code for new developments on Scenic Roads in order to preserve the scenic character of the landscape.

To do this, I support the notion that the development of land abutting a scenic road be treated with special care and concern - both for the purposes of maintaining the ecological and historic integrity of the land surrounding, and to maintain the road's visual character to the greatest extent possible. The current plan is unworkable- too congested, inadequate roadways and will harm the present ecological condition. Our county has only to look to Ellicott City to see the negative impact of overgrowth.

We live in an area rich in natural and historic beauty; we can and should be an example to the rest of the state of Maryland, and to the nation, for how planning and development can proceed - with appropriate consideration and care - to safeguard the cultural, historic, scenic, and natural integrity of the region -- an asset that makes Howard County both significant and sought-after.

It is possible, plausible, and in the best long-term interest of our people, communities, and the economic and environmental sustainability of our county and state.

Thank you for hearing and counting my written testimony for the purposes of BILL NO. 58– 2018.

Thank you

Jacinta Felice  
Somersby Ct  
Laurel MD

--

*Cindy Felice  
Associate Director, Services  
Department of Residential Facilities  
Leonardtwn Service Building (#201)  
University of Maryland  
College Park, MD 20742  
301.314.7512  
301.314.9096 Fax*



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**Sayers, Margery**

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**From:** Novak, Dave (Buch Construction) <NovakD@MedImmune.com>  
**Sent:** Wednesday, July 25, 2018 4:02 PM  
**To:** CouncilMail  
**Subject:** CB58-2018

Ladies, Gentleman,

I'm writing to you in reference of Bill CB58-2018.

It's sad that we have to have a Bill like CB58-2018 to "Baby Sit" Builders and Attorneys of Howard County.

I've been a resident of Howard County since the early eighties. My attraction to the Howard County was the openness and the country atmosphere. The attraction to Howard County is slowly fading with the over development and density.

I was asked to attend a pre-submission hearing on the proposed Milk Producer development off Leishear Road. I was expecting to see a plan of 70 to 80 single family homes. To my surprise the first phase plan for this development is for over 300 residents.

The major feeder roads to this development are I95, Route 29 and Route 216. These roads are already parking lots during peak periods of the day. Please keep in mind the traffic studies are being paid by the developers. Do you think for one minute a developer is going to present the county with a traffic study what will not work for their project? Why is the county even considering this density for this project when the current road infrastructure cannot deal with the existing traffic?

The schools in this area are already at capacity. I've noticed in recent weeks temporary class room trailers being installed at a school adjacent to the Maple Lawn Project. This will be the school that the Milk Producers Development children are slated to attend. With the taxes we pay in Howard County temporary class rooms are not acceptable. Temporary class room trailers cannot be properly secured. Again, the current infrastructure cannot deal with the existing student enrollment?

Bill CB58-2018 will give the residents some input on new developments. Grandfathering of projects that are not already approved should not be allowed.

Please keep in mind we are a Democracy, not a Dictatorship.

David Novak  
Resident of Howard County

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## Sayers, Margery

---

**From:** Linda Corso <justllc@verizon.net>  
**Sent:** Wednesday, July 25, 2018 3:16 PM  
**To:** CouncilMail  
**Subject:** Scenic Road bill - CB58

Dear Council Members,

I am most pleased to see two of your members propose positive legislation in the form of CB-58 and I ask you all to approve this bill as written and not to permit any grandfathering. Projects that do not even have any shovels in the ground should not be exempt from this important bill.

The eastern part of Howard County is rapidly losing much of its character due to ill-conceived development on what remains of its few scenic roads. Just look at the Scenic Roads Map in HoCo 2030. The current scenic roads regulations may sound reasonable on the surface but there is the waiver provision that seems to be a pipeline to rubber-stamp exceptions every time, leading to the regulations having essentially no teeth to them. Thus scenic roads lack required setbacks and vistas, suffer traffic overloads that could have been avoided, and place undue stress on community livability. A prime example is what has happened with the enormous Emerson development dumping directly and solely onto scenic Gorman Road when it was supposed to also have direct egress to Route 216! And apartments were added with even greater density when they changed course and eliminated the office space they had originally planned. Scenic requirements on Gorman Road were further waived with Wincopia Farms and Walden Woods developments which are still building out and impacting the area. And now the Milk Plant which nestles up to Emerson wants to develop almost to capacity along this same road, again with no egress to Route 216, despite a Route 216 road connection in the HoCo 2030 plan (R103). Proper road infrastructure should work in concert with development. That is the reasoned approach. Then development can proceed with appropriate setbacks, scenic roads can be preserved and protected for all to enjoy, and people and cars can move about in a livable fashion.

CB-58 provides a much needed avenue for public discourse and reasoned development. No one is saying no to development. We are saying, let's support the intent of these regulations and protect the livability, beauty and history of our communities. Developers' jobs are to maximize development opportunities and do it profitably. They do not have to live in or around what they develop. We should not be pandering to them. And our county should be better long term planners in providing appropriate connector infrastructure along our major collector roads. And the landowners seeking to develop their lands on scenic roads can do so thoughtfully with input from their neighbors so as to leave behind a legacy that befits the land as they sell and move on. [And no one is out to stop a farmer from parceling land to a child to build a home; that is not the intent of this bill at all!] But I have seen too many waivers. We need stronger protections before what's left of our scenic roads is decimated to the point of 'are they even scenic roads anymore?' That would be a sad legacy for this county to leave, but that's the direction we now head unless we take action.

Yes to CB-58. And no to grandfathering.

We are the residents and voters of this county; not the developers.

Thank you.

Linda Corso  
Hunters Creek community in North Laurel

## Sayers, Margery

---

**From:** Nancy Guzzo <ngginmd@aol.com>  
**Sent:** Wednesday, July 25, 2018 2:05 PM  
**To:** CouncilMail  
**Subject:** scenic roads

I am asking you to vote YES to the Scenic Roads bill (CB-58), and NO to any amendments to permit grandfathering of current projects (such as the Milk Plant Development). I support this bill because our communities should have greater input on developments that directly impact our quality of life.

Thank you, Nancy Guzzo

## Sayers, Margery

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**From:** Jeff Schneider <roadrunner75.jeff@gmail.com>  
**Sent:** Wednesday, July 25, 2018 11:20 AM  
**To:** CouncilMail  
**Subject:** CB58-2018

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

I feel that it is important that smart development incorporates the additional oversight and the community's input regarding safety/traffic mitigation that will promote a higher quality of life for the new developments and their surrounding communities and how CB58-2018 will provide this for developments on/near scenic roads. I live along Gorman Rd and the development that was built in the last couple of years has already created traffic congestion well beyond what Gorman Rd was designed to handle.

I also don't feel as if developments currently in the planning phases should be allowed to be "grandfathered" in to the current procedures. This should be a change all proposed development should follow unless the construction has already begun.

I also want to stress that this is not just a "Gorman Rd" area issue. This is a change that would allow all of Howard County's communities to have more input into the development changes that affect their daily lives.

I urge you to vote yes to CB58-2018 as written to further protect and thoughtfully plan development access points along and near scenic roads.

Sincerely,  
Jeff Schneider

## Sayers, Margery

---

**From:** Kimberlee Robertella Glinka <krobertella@rhsmith.umd.edu>  
**Sent:** Wednesday, July 25, 2018 10:32 AM  
**To:** CouncilMail  
**Cc:** Kimberlee Robertella  
**Subject:** BILL NO. 58– 2018

Good Morning,

I'm writing to provide testimony for BILL NO. 58– 2018, introduced by Calvin Ball and Jennifer Terrasa. I support the move to amend the Howard County Code for new developments on Scenic Roads in order to preserve the scenic character of the landscape.

To do this, I support the notion that the development of land abutting a scenic road be treated with special care and concern - both for the purposes of maintaining the ecological and historic integrity of the land surrounding, and to maintain the road's visual character to the greatest extent possible.

We live in an area rich in natural and historic beauty; we can and should be an example to the rest of the state of Maryland, and to the nation, for how planning and development can proceed - with appropriate consideration and care - to safeguard the cultural, historic, scenic, and natural integrity of the region -- an asset that makes Howard County both significant and sought-after.

It is possible, plausible, and in the best long-term interest of our people, communities, and the economic and environmental sustainability of our county and state.

Thank you for hearing and counting my written testimony for the purposes of BILL NO. 58– 2018.

Thank you,  
Kim

**Kim Robertella Glinka**  
Director, Center for Social Value Creation  
Robert H. Smith School of Business | 4551 Van Munching Hall  
University of Maryland, College Park  
[krobertella@rhsmith.umd.edu](mailto:krobertella@rhsmith.umd.edu)  
Office: 301.405.9454

"Be humble for you are made of earth. Be noble for you are made of stars"

**Sayers, Margery**

---

**From:** Wu, Hao-Chiu <hao-chiu.c.wu@verizon.com>  
**Sent:** Wednesday, July 25, 2018 10:09 AM  
**To:** CouncilMail  
**Subject:** Scenic Roads Bill (CB58)

It is critical to keep the Scenic Roads the way they are now to make Howard county different than other counties that don't care about environment protection. Please vote YES. Thanks.

hao-chiu Wu, resident of Howard County

## Sayers, Margery

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**From:** Denise Lindsay <lindsayde78@gmail.com>  
**Sent:** Wednesday, July 25, 2018 9:54 AM  
**To:** CouncilMail  
**Subject:** CB58-2018 (aka the Scenic Roads bill)

To Whom it May Concern,

Eighteen years ago I moved to Howard County after graduating from college. I have lived in three different residences in the North Laurel area because of the beauty that this part of Howard County is fortunate enough to have. I chose Howard County because of its open spaces, farms, and natural landscape which is apparent along our scenic roads. I could have chosen to live in congested Montgomery County, but did not because of Howard County seemed so much more relaxed.

Time has passed and development has happened again and again. I am writing to you today to voice my support for CB58-2018, the Scenic Roads bill. I support this bill because I think the community should have greater input into the changes being imposed on their quality of life. I am not against development, but the county needs to be more smart about how these new housing communities affect the surrounding residences and the impact they will have on traffic and safety.

I do not believe that grandfathering developments that are in the planning stages should be allowed. If this bill is passed by the council, any new community that is in the works needs to follow these new rules. Community input is important and should be part of the planning process, as it affects the surrounding communities the most! Our safety and quality of live are to be valued!

As more and more development takes over Howard County, it is becoming less and less attractive to long time residences. Our scenic beauty is important in keeping residences here long term. I urge the council to vote YES to CB58-2018 Scenic Roads bill.

Thank you,  
Denise Lindsay  
North Laurel Resident

**Sayers, Margery**

---

**From:** Chris McKenna <mckennachrisj@aol.com>  
**Sent:** Wednesday, July 25, 2018 8:12 AM  
**To:** CouncilMail  
**Subject:** Vote YES on Scenic Roads Bill (CB-58)

Dear County Council,

I'm writing to express my support for Scenic Roads bill CB-58. Please vote YES for this bill, and NO for any amendments that may allow grandfathering of current projects. Our area in southeastern Howard County along Gorman Road has been, and continues to be, rapidly and heavily developed, and our community should be allowed to have more input on these developments, which have a direct and significant impact on our quality of life.

Thank you very much for your consideration of my email, I appreciate it.

Respectfully,  
Chris McKenna

**Sayers, Margery**

---

**From:** Kerri Ukstins <kukstins@ymail.com>  
**Sent:** Wednesday, July 25, 2018 7:35 AM  
**To:** CouncilMail  
**Subject:** Support for CB58-2018

Dear Howard County Council -

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

While I understand that this development is going to happen regardless, I believe that that there needs to be smart and measured development. Safety is first and foremost, for those in the new community and those neighborhoods around it. Additional oversight is needed and existing neighborhoods need to provide input regarding traffic and safety in transportation to and from Hammond Elementary and Hammond Middle Schools as well as thru traffic and the ability to get in and out of all of our neighborhoods, the Milk Co-Op community included. CB58-2018 will provide this for the developments on/near scenic roads.

Grandfathering in a development in the planning stages is premature when it is only in the planning stages. This applies to not only the Milk Co-Op but all county wide development plans.

I urge you to vote yes to CB58-2018 as written to further protect and thoughtfully plan development access points along and near scenic roads.

Sincerely,

Peter and Kerri Ukstins  
7916 Helmart Drive



**Sayers, Margery**

---

**From:** erobertsqc@gmail.com  
**Sent:** Wednesday, July 25, 2018 7:01 AM  
**To:** CouncilMail  
**Subject:** CB 58 - 2018

Dear All Howard County Council representatives:

I am writing today to urge you to vote yes to CB58-2018 AS WRITTEN to further protect and thoughtfully plan development access points along and near scenic roads. This bill will be one small step that the community deserves to begin to more carefully plan for developments all across Howard County.

Smart development should incorporate oversight and the community's input regarding safety/traffic mitigation that will promote a higher quality of life for the new developments and the surrounding communities they need to integrate with and CB58-2018 AS WRITTEN will provide this for developments on/near scenic roads.

As you all are well aware, current planning regulations have allowed for areas all over the county that are dealing with unsafe traffic issues and overcrowded schools and public infrastructure and passing this bill AS WRITTEN will be a small step forward in providing the ethical leadership you were elected to provide.

Please vote YES on CB 58 as written.

Sincerely,  
Erin Roberts  
HoCo Voting resident

Sent from my iPhone

## Sayers, Margery

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**From:** Diane Harder <dharder@jbsinternational.com>  
**Sent:** Wednesday, July 25, 2018 6:50 AM  
**To:** CouncilMail  
**Subject:** Council hearing on CB58 7/23/18

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

In an area already overcrowded with development, it is critical to implement smart development that incorporates the additional oversight and the community's input regarding safety/traffic mitigation to promote a higher quality of life for the new developments and their surrounding communities. CB58-2018 will provide this for developments on/near scenic roads. For example, increased development along Gorman Road has made the scenic road congested and has negatively impacted existing communities. Additional proposed development along this scenic two-lane road threatens its character, safety, and worsens traffic.

It is critical to protect scenic roads. Developments in the planning stages should be subject to the bill's requirements. It should not be amended to "grandfather" developments that in the planning stages. Ample time is available during the plan development and approval process to address the additional oversight and community input.

I urge you to protect scenic roads and vote "yes" to CB58-2018 as written.

Sincerely,

Diane Harder  
Leisure Village Resident

**Sayers, Margery**

---

**From:** Lori Levine <lorishelle@gmail.com>  
**Sent:** Wednesday, July 25, 2018 6:24 AM  
**To:** CouncilMail  
**Subject:** CB58-2018

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

In an area already overcrowded with development, it is critical to implement smart development that incorporates the additional oversight and the community's input regarding safety/traffic mitigation to promote a higher quality of life for the new developments and their surrounding communities. CB58-2018 will provide this for developments on/near scenic roads. For example, increased development along Gorman Road has made the scenic road congested and has negatively impacted existing communities. Additional proposed development along this scenic two-lane road threatens its character, safety, and worsens traffic.

It is critical to protect scenic roads. Developments in the planning stages should be subject to the bill's requirements. It should not be amended to "grandfather" developments that in the planning stages. Ample time is available during the plan development and approval process to address the additional oversight and community input.

I urge you to protect scenic roads and vote "yes" to CB58-2018 as written.

Sincerely,  
Lori Levine

**Sayers, Margery**

---

**From:** Evan Fuller <fuller.evan@gmail.com>  
**Sent:** Tuesday, July 24, 2018 10:09 PM  
**To:** CouncilMail  
**Subject:** Support Scenic Roads bill

Dear Council Members,

I would like to urge you to vote Yes to the upcoming Scenic Roads bill (CB-58), and vote No to any amendments grandfathering in upcoming developments (or at least to exclude any where construction has not yet begun).

As a resident of Hammond Village, I have concerns about the increases in traffic and worsening of views on Gorman and Murray Hill roads. I like the fact that Howard County makes an effort to preserve green space, and I support further restrictions on destruction of this green space for rapid development.

Sincerely,  
Evan Fuller  
10786 W. Crestview Ln  
Laurel, MD 20723

**Sayers, Margery**

---

**From:** John Ailor <ednred@verizon.net>  
**Sent:** Tuesday, July 24, 2018 10:06 PM  
**To:** CouncilMail  
**Subject:** scenic Rd bill CB58

To the Council

Please vote Yes for bill CB58 The scenic Rd. bill. In addition please do not allow any Grandfathering to this bill. Howard co is a beautiful place to live and it is important we all preserve as much scenic area as possible. Developing the Milk plant land with no restrictions is the wrong this to do. Those of us who are residents in this area are tax payers too and we do not want our area to become a bottle neck for traffic and congestion.

This is the Council's opportunity to stand up for what is the right thing to do.

Thank you

John E Ailor

10346 Derby Dr.

Laurel

20723

ednred@verizon.net

**Sayers, Margery**

---

**From:** Lori Levine <lorishelle@gmail.com>  
**Sent:** Wednesday, July 25, 2018 6:24 AM  
**To:** CouncilMail  
**Subject:** CB58-2018

Dear Howard County Council,

I am writing in support of CB58-2018 regarding additional oversight and community input for developments along scenic roads.

In an area already overcrowded with development, it is critical to implement smart development that incorporates the additional oversight and the community's input regarding safety/traffic mitigation to promote a higher quality of life for the new developments and their surrounding communities. CB58-2018 will provide this for developments on/near scenic roads. For example, increased development along Gorman Road has made the scenic road congested and has negatively impacted existing communities. Additional proposed development along this scenic two-lane road threatens its character, safety, and worsens traffic.

It is critical to protect scenic roads. Developments in the planning stages should be subject to the bill's requirements. It should not be amended to "grandfather" developments that in the planning stages. Ample time is available during the plan development and approval process to address the additional oversight and community input.

I urge you to protect scenic roads and vote "yes" to CB58-2018 as written.

Sincerely,  
Lori Levine

## Sayers, Margery

---

**From:** Evan Fuller <fuller.evan@gmail.com>  
**Sent:** Tuesday, July 24, 2018 10:09 PM  
**To:** CouncilMail  
**Subject:** Support Scenic Roads bill

Dear Council Members,

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As a resident of Hammond Village, I have concerns about the increases in traffic and worsening of views on Gorman and Murray Hill roads. I like the fact that Howard County makes an effort to preserve green space, and I support further restrictions on destruction of this green space for rapid development.

Sincerely,  
Evan Fuller  
10786 W. Crestview Ln  
Laurel, MD 20723

## Sayers, Margery

---

**From:** John Ailor <ednred@verizon.net>  
**Sent:** Tuesday, July 24, 2018 10:06 PM  
**To:** CouncilMail  
**Subject:** scenic Rd bill CB58

To the Council

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This is the Council's opportunity to stand up for what is the right thing to do.

Thank you

John E Ailor

10346 Derby Dr.

Laurel

20723

ednred@verizon.net



**Sayers, Margery**

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**From:** Mj Humphries <mjhumphries54@verizon.net>  
**Sent:** Tuesday, July 24, 2018 9:57 PM  
**To:** CouncilMail  
**Subject:** BILL NO. 58- 2018

Dear Sir or Madam

I am writing to ask you to please pass Bill No 58-2018. As a member of Hunters Creek community on Derby Drive since 1993, I never drive on Gorman, Murry Hill or 216 for that matter, without thinking about how beautiful our area is and how lucky our community is to live here! I understand this may seem like prime land for developers, but the impact the proposal will have on the traffic alone, is so disturbing, it already is causing anxiety for us! Getting to work in the morning for me is a challenge since I work in Bethesda. Adding the amount of homes and essentially destroying beautiful country like roads in the name of developmental growth, just seems wrong.

Please consider our families, our children and how this will impact them in their school districts and mostly our community as a whole.

thank you,

Sincerely

Mary Humphries  
10392 Derby Dr  
Laurel MD 20723

**Sayers, Margery**

---

**From:** Kerry Greer <kerry.b.greer@gmail.com>  
**Sent:** Tuesday, July 24, 2018 9:34 PM  
**To:** CouncilMail  
**Subject:** CB-58 Scenic Roads Bill

County Council Members:

I'm writing to respectfully request that you vote YES on the Scenic Roads Bill (CB-58). Scenic roads are a county treasure and should be respected and cared for. Gorman Road's link to our county's rich history is undeniable and you, the representatives chosen by the citizenry must be the voice of reason as development plans are considered.

The preservation of scenic roads should be an integral part of any and all building/planning processes from their very conception. It is clear that this was never considered in the proposal of the Milk Plant development. Please do not let the developer's voices be louder than those of the citizens of Howard County. Do NOT let the development be excluded from CB-58 through a grandfathering move.

I appreciate your thoughtful consideration and again, urge you to vote in favor of the Scenic Roads Bill.

Sincerely,  
Kerry Greer  
Hunter's Creek homeowner

## Sayers, Margery

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**From:** Gail Brown <pynebrown@verizon.net>  
**Sent:** Tuesday, July 24, 2018 8:47 PM  
**To:** CouncilMail  
**Cc:** Linda Corso  
**Subject:** Scenic Road Bill CB-58

Dear County Council Members,

We respectfully request you vote YES for Scenic Road Bill CB-58.  
Further, we respectfully request you vote NO to any amendments to permit grandfathering of current projects such as the Milk Plant Development.

Beautiful scenic roads are a reminder of Maryland's history. Many are already suffering from too much traffic. Please do not allow building and development to compromise the beauty and history of our county.

Sincerely,

Gail P. Brown  
Kenneth R. Brown  
10301 Derby Drive  
Laurel, MD 20723

*Gail P. Brown*

[pynebrown@verizon.net](mailto:pynebrown@verizon.net)

**Sayers, Margery**

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**From:** Boccio Family <jsboccio@aol.com>  
**Sent:** Tuesday, July 24, 2018 8:17 PM  
**To:** CouncilMail  
**Subject:** Scenic Roads bill - please vote YES without grandfather provisions

Dear County Council,

As Howard County residents and voters, we ask that you **vote YES** to the Scenic Roads bill (CB-58), and **NO to any amendments to permit grandfathering of current projects (such as the Milk Plant Development)**. We support the bill because our communities should have greater input on developments that directly impact our quality of life.

Thank you,

John and Stephanie Boccio

## Sayers, Margery

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**From:** Brian Sadler <brian.sadler@comcast.net>  
**Sent:** Tuesday, July 24, 2018 7:58 PM  
**To:** CouncilMail  
**Subject:** CB-58

YES for CB 58, and NO grandfathering!

The impact on our neighborhood is too extreme and too negative.

Thanks for listening.

Brian

Dr. Brian M. Sadler

Senior Scientist (ST), Intelligent Systems Army Research Laboratory

**From:** Lynn Lawton <skilawton@gmail.com>  
**Sent:** Tuesday, July 24, 2018 7:27 PM  
**To:** CouncilMail  
**Subject:** Vote yes on the Scenic roads bill CB-58

To whom it may concern :

I am asking you to vote YES on the Scenic Roads bill (CB-58), and NO to any amendments to permit grandfathering of current projects (such as the Milk Plant Development). I support the bill because our communities should have greater input on developments that directly impact our quality of life. Just recently we have added 2 more stop sign locally because of increased traffic. Already traffic at certain times in the morning and afternoon are 25-30 cars long on Gorman rd at 29 at the circle and in the evening at the stop sign at Gorman and Leishear. These are small , 2 lane roads . These roads cannot carry traffic for 300-400 more houses each day. It will become a safety issue and add lots of time to commutes and waste more gasoline, not to mention additional pollution.

Thank you for your consideration

Lynn Lawton  
Hunters Creek

Sent from my iPad

**From:** Beck Family <beckfamilyis1@verizon.net>  
**Sent:** Tuesday, July 24, 2018 6:46 PM  
**To:** CouncilMail  
**Subject:** In support of the scenic roads bill

Please vote YES to the Scenic Roads bill (CB-58), and NO to any amendments to permit grandfathering of current projects (such as the Milk Plant Development). I support the Scenic Roads bill because any development there will directly impact our quality of life. My property backs up to Gorman—this is a very big deal to us!

Karen Beck  
10300 Winners Circle Way  
Laurel, MD 20723  
301-490-1013

**Sayers, Margery**

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**From:** Andrea Harwick <aharwick@verizon.net>  
**Sent:** Tuesday, July 24, 2018 6:30 PM  
**To:** CouncilMail  
**Subject:** Scenic roads bill

Vote YES to the Scenic Roads bill (CB-58), and NO to any amendments to permit grandfathering of current projects (such as the Milk Plant Development). I support the bill because our communities should have greater input on developments that directly impact our quality of life.

Sincerely,  
Andrea Harwick  
10300 Preakness Pl  
Laurel MD 20723





July 16, 2018

My name is Fred Dorsey and I live at 10774 Judy Lane, Columbia 21044. I am President of Preservation Howard County (PHC) in support of CB 58-2018

Scenic Roads was one of several areas listed to protect historic resources provided in the Howard County Historic Preservation Plan. The plan specifically stated:

“Ensure Scenic Roads are appropriately protected from abutting land of new developments” This addresses the concern of ingress and egress.

“Ensure the character of Scenic Roads is protected when making improvements”

The following is a recommended amendment to ensure the characters of scenic roads are addressed and maintained.

Page 3 Line 26 to read “scenic roadway characteristics of Subtitle 14 Section 16.1402 and elements of Subsection (B)(1)-3 above with the”

Many scenic roads have been negatively impacted by the manner in which ingress and egress has been permitted. This bill addressed that issue and the passage of this bill is an appropriate corrective action.

**Board**

- Martha Clark*
- Fred Dorsey*
- Virginia Frank*
- Jacque Galke*
- Barbara Kellner*
- Laura Manning-Attridge*
- William Miller*
- Allan Shad*

2018 JUL 16 PM 1:49

HOWARD COUNTY COUNCIL RECEIVED

**Sayers, Margery**

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**From:** Frances O'Connor <chettyoak@yahoo.com>  
**Sent:** Monday, July 23, 2018 8:00 PM  
**To:** CouncilMail  
**Cc:** Kittleman, Allan  
**Subject:** Support for Council Bills 56 & 58

Dear elected official,

I am writing to express my support for Council Bills 56 & 58. I would like to see both passed as written, with no grandfathering clauses or development loopholes. We are at a critical juncture for our county with regards to infrastructure and the future of Main Street Ellicott City. It is imperative that we slow down and get it right! Lives literally depend on it.

Regards,  
Frances Keenan  
5463 Autumn Field Court  
Ellicott City, MD

## Sayers, Margery

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**From:** Stephanie K Mummert <skmummert@gmail.com>  
**Sent:** Monday, July 23, 2018 11:08 PM  
**To:** CouncilMail  
**Subject:** Testimony re: CB 58

Good evening,

I listened to the testimony regarding this bill tonight and after hearing from Mr Huff and Mr Erskine, and reviewing the text of a the amendment again, I feel compelled to send in written testimony in vehement support of this bill. I support it because scenic roads need to stay scenic and allowing for the type of dense development advocated by Mr Erskine directly on these roads does not benefit the county or its CURRENT residents.

I live in Kings Contrivance on Summer Park Court. My daughter attends Hammond Elementary and I drive on two of the very few scenic roads in this part of Howard County. These two scenic roads take me directly past the Milk Co-op parcel on a daily basis during the school year, usually right in the thick of rush hour.

Murray Hill is one of the two local scenic roads near my home. It has had such an increase in traffic since Maple Lawn, Emerson and Wincopia Farms were developed that a stop sign on Murray Hill at the intersection with Vollmerhausen, presumably to slow down traffic and increase safety.

Murray Hill intersects with another scenic road, Gorman Rd. Gorman is extremely windy and where it intersects with Murray Hill, traffic often backs up all the way to Gorman Farm during rush hour. Again, where Gorman intersects with Leishear, traffic is pretty much a nightmare. The relatively new 3 way stop helps, but it is already a dangerous intersection. Imagine adding 375+ new homes on the Milk Co-op parcel directly adjacent to this intersection and both of these scenic roads? I really don't want to imagine it because if you don't pass this bill to protect both of these scenic roads and at least open their development to community input and discussion as proposed in the amendment, we will all have to live with it.

While I have sympathy for the financial position the Milk Co-op owners put themselves in, frankly, that should not be our problem. If you approve this bill, its not as if their development will fall apart immediately. Instead, it will move from the "as of right development" they prefer and it will be put up for public scrutiny that actually carries the weight and protection of the county government. Currently, without this bill, we all feel pretty helpless to do anything more than point out the existing disastrous traffic problems this new development will only exacerbate.

Even if the bill were passed tomorrow and the Milk Co-op development fell apart as a result, it's not as if the property could not be sold for another use. This is not an all or nothing proposition as presented at the meeting. Please do not be swayed away from the many merits of this bill by their pleas of financial hardship.

This bill is not about being anti business or about punishing developers or farmers. It is about finally increasing transparency in the development process and including the community in the process. As Mr Erskine so helpfully pointed out, even if this bill passes, it won't impact the density of development. He's probably right, but I'm hopeful that including community input into the approval process near these roads can help shape this and future development plans. Neighbors know their community best and they are your best resource to lessen the impact on the neighborhood and increase the safety of the elementary and middle school students who will be directly impacted by these homes. Listen to all of us and pass this bill.

Thank you,



## Sayers, Margery

---

**From:** Nicholas LaGrasta <fenwysth@gmail.com>  
**Sent:** Tuesday, July 24, 2018 1:48 AM  
**To:** CouncilMail  
**Subject:** CB58-2018

Council Members Terrasa, Ball, Sigaty, Fox and Weinstein,

Thank you for proposing CB58, the "Scenic Roads" bill. Gorman Road desperately needs some help.

I am a 24 year resident of North Laurel, currently in Warfields Range just off of Gorman Road (the non-scenic part). My wife and I have been seeing first hand the great increase in traffic along Gorman in the last ten years, especially in the last two years. I'm sure you are well aware of the traffic congestion in our communities along Gorman, as the county has recently, out of necessity, installed 3 way stops signs at Gorman and Leishear, Gorman and Murray Hill, and Murray Hill at Vollmerhausen. When exiting my development in the morning on my way to work (that is, now during the summer school break), it is very common to see 10 or more cars pass by before I can get out, as well as backups at the intersection of Gorman and Leishear and the traffic circle on Gorman at Rt. 29. It's much worse during the school year. Just the other day as I was stopped, waiting to pull out onto Gorman, a car heading east on Gorman turned left in front of me into Warfields Range and was nearly struck by another car heading west on Gorman, which could have driven both vehicles directly in to the spot where I was stopped! I also bike (along with many other local cyclists) along these local roads and can tell you that it is more than a bit nerve wracking at any time of day. Just walking along Gorman between Leishear and RT 29 (where there are no sidewalks) is also quite dangerous.

It is clear to me that this recent increased traffic on Gorman through our communities is a direct result of continuing increased development density in the southeast county. There is both good and bad in this. Yes it is great to have nice restaurants, shopping and more local employment nearby in Maple Lawn, but Gorman Road and its surrounding communities are bearing the brunt of traffic congestion that will not be slowing down any time soon. With the proposed Milk Plant development adding nearly 400 residences into the mix (with only one egress on to Leishear!), this can only create a much higher and more dangerous traffic density on these two lane secondary roads. Clearly Gorman, Leishear and Murray Hill, in their current states, are not capable of handling such a volume of traffic. More must be done to help our North Laurel communities deal with this ever increasing density. CB58 is a step in the right direction. I applaud your efforts to preserve what is left of the scenic portion of Gorman and the quality of life in the surrounding communities. I wholly support the Scenic Roads bill and urge the Council to pass it into law, I also urge you NOT to "grandfather in" the Milk Plant development.

I have some additional comments regarding the proposed Milk Plant development. I was in attendance on 7/23 at the Council session where testimony was taken on the bill. We heard from a number of North Laurel community members testifying in favor of the bill as well as a number of folks with direct or indirect financial ties to the Milk Plant testifying against the bill. While I sympathize with the Milk Co-op's financial situation, and realize that the development proposal is well within zoning requirements and the County General Plan, our local community (roads and schools) simply cannot support the proposed housing density. I was also in attendance at both pre-submission meetings where public comments were taken by the representatives of the Milk Plant. I know that Council Member Terrasa was at those meetings to see and hear the overwhelming community opposition to this development. Beyond the traffic congestion, this development as proposed would adversely and severely impact the local school capacities, creating a cascading effect of re-districting throughout the southeast county. It would also increase stormwater runoff into the Hammond Branch and exacerbate flooding in low lying areas downstream.

It is my understanding that the Council/Zoning Board does not directly vote on approval of the plan for the Milk Plant development. I am told that it goes through DPZ. Whoever has any say in getting this development plan modified, I would strongly suggest the following changes:

-Significantly reduce the housing density by 25-40%. 400 homes is just way too many, despite what is allowable by zoning.

-Add a direct egress onto MD 216 in addition to the egress onto Leishear. I understand this is in the county General Plan. Yes this would require a crossing over the Hammond Branch and significant time and expense of joining into a state road. We've heard about dedicated turn lanes on Leishear and a traffic circle at Leishear and Gorman. In my opinion those modifications create more traffic issues and do not adequately address the overall traffic impact of this development. A second egress is needed and it definitely should not be onto Gorman.

-Add a walkway/bike path within the development on the north edge at Leishear and Gorman, connecting this development to Emerson. This would help increase bicycle safety, allowing cyclists to bypass some of the heavy car traffic on Gorman and development residents to safely walk/bike to the schools and recreation in Emerson. Safe pedestrian and bike crossing across Leishear into Hammond Village at Graeloch also needs to be addressed.

I realize these are modifications that would cost both the county (taxpayers like me) and the milk producers a significant amount of money and take more time than the milk plant would like. I also realize this land will be developed in some form at some point in time. It is the county's responsibility to address the needs of current and future residents and quality of life in our communities as well as the needs of local businesses when considering the impact of such high density developments. There needs to be a much better balance in Howard County than we've had in recent years. What is the cost now vs. the costs of dealing with more severe infrastructure issues in the future? What is the price of quality of life in our communities? I urge the Council and DPZ to do whatever they can to get the Milk Plant development modified to integrate into the existing community in a more reasonable and responsible way. Do the right thing for the North Laurel community.

Thank you very much for your time and attention.  
Nick LaGrasta

## Sayers, Margery

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**From:** Stephanie Mummert <skmummert@gmail.com>  
**Sent:** Tuesday, July 24, 2018 12:30 AM  
**To:** CouncilMail  
**Subject:** Fwd: Testimony re: CB 58-2018

I just realized I didn't include the full number of the bill in my first email. I want to make sure my written testimony in support of CB 58-2018 as attached below is considered. Thank you!

----- Forwarded message -----

**From:** **Stephanie K Mummert** <[skmummert@gmail.com](mailto:skmummert@gmail.com)>  
**Date:** Monday, July 23, 2018  
**Subject:** Testimony re: CB 58  
**To:** [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)

Good evening,

I listened to the testimony regarding this bill tonight and after hearing from Mr Huff and Mr Erskine, and reviewing the text of a the amendment again, I feel compelled to send in written testimony in vehement support of this bill. I support it because scenic roads need to stay scenic and allowing for the type of dense development advocated by Mr Erskine directly on these roads does not benefit the county or its CURRENT residents.

I live in Kings Contrivance on Summer Park Court. My daughter attends Hammond Elementary and I drive on two of the very few scenic roads in this part of Howard County. These two scenic roads take me directly past the Milk Co-op parcel on a daily basis during the school year, usually right in the thick of rush hour.

Murray Hill is one of the two local scenic roads near my home. It has had such an increase in traffic since Maple Lawn, Emerson and Wincopia Farms were developed that a stop sign on Murray Hill at the intersection with Vollmerhausen, presumably to slow down traffic and increase safety.

Murray Hill intersects with another scenic road, Gorman Rd. Gorman is extremely windy and where it intersects with Murray Hill, traffic often backs up all the way to Gorman Farm during rush hour. Again, where Gorman intersects with Leishear, traffic is pretty much a nightmare. The relatively new 3 way stop helps, but it is already a dangerous intersection. Imagine adding 375+ new homes on the Milk Co-op parcel directly adjacent to this intersection and both of these scenic roads? I really don't want to imagine it because if you don't pass this bill to protect both of these scenic roads and at least open their development to community input and discussion as proposed in the amendment, we will all have to live with it.

While I have sympathy for the financial position the Milk Co-op owners put themselves in, frankly, that should not be our problem. If you approve this bill, its not as if their development will fall apart immediately. Instead, it will move from the "as of right development" they prefer and it will be put up for public scrutiny that actually carries the weight and protection of the county government. Currently, without this bill, we all feel pretty helpless to do anything more than point out the existing disastrous traffic problems this new development will only exacerbate.

Even if the bill were passed tomorrow and the Milk Co-op development fell apart as a result, it's not as if the property could not be sold for another use. This is not an all or nothing proposition as presented at the meeting. Please do not be swayed away from the many merits of this bill by their pleas of financial hardship.

This bill is not about being anti business or about punishing developers or farmers. It is about finally increasing transparency in the development process and including the community in the process. As Mr Erskine so helpfully pointed out, even if this bill passes, it won't impact the density of development. He's probably right, but I'm hopeful that including community input into the approval process near these roads can help shape this and future development plans. Neighbors know their community best and they are your best resource to lessen the impact on the neighborhood and increase the safety of the elementary and middle school students who will be directly impacted by these homes. Listen to all of us and pass this bill.

Thank you,  
Stephanie Mummert



## Sayers, Margery

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**From:** Sue Ashman <ashmanmom@gmail.com>  
**Sent:** Tuesday, July 24, 2018 4:48 PM  
**To:** CouncilMail  
**Subject:** Scenic Roads bill

Dear County Council,

PLEASE vote yes on the Scenic Roads bill and NO to any amendments that would permit grandfathering of any current projects, such as the Milk Plant development. As a resident of Hunters Creek for the past twelve years, I have seen the traffic on Gorman Road and Murray Hill Road already grow to overload. Preserving Gorman Road's status as a scenic road is so important to this region of the county, and continued development will destroy what little "scenic" appeal there still is.

Thank you for your consideration in this matter.

Sue Ashman  
Resident of Hunters Creek

**Sayers, Margery**

---

**From:** Paul Perdue <pperduejr@aol.com>  
**Sent:** Tuesday, July 24, 2018 4:32 PM  
**To:** CouncilMail  
**Subject:** Scenic Bill (CB-58)

Please vote "yes " to Scenic Bill (CB-58) and vote "No" to any amendments to permit grandfathering any projects.

Regards,

Paul Perdue  
Hunter's Creek Resident



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Stu Kahn, have been duly authorized by  
(name of individual)

\_\_\_\_\_ to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-58 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Stu Kahn

Signature: Stu Kahn

Date: 16 July 18

Organization: HCCA

Organization Address: P.O. Box 89

ELICOTT CITY MD 21041

Number of Members: 300

Name of Chair/President: Stu Kahn

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*

## Comments for Matt Hoff – July 16, 2018

Hello, my name is Matt Hoff.

I am a dairy farmer in Carroll County, and I am the President of Maryland & Virginia Milk Producers Cooperative. I am here today to speak on behalf of the co-op and my fellow 1,200 farmer members from Pennsylvania to Georgia.

Together we own and operate four processing facilities, two of which are in Maryland. They include a fluid plant in Landover that bottles fresh milk, and an ingredients facility in Laurel that processes cream, condensed milks, butter and milk powder.

Maryland & Virginia has owned the Laurel plant since 1955. It is our oldest plant facility, and it is the cornerstone of our co-op business. The plant operates as a balancing mechanism not only for the co-op but the entire mid-Atlantic region, helping manage fluctuations in the milk supply.

Over the decades the co-op has made improvements and has worked hard to be a “good neighbor” in the community.

Five years ago, the co-op board and management recognized changing dynamics – particularly in the fluid milk marketplace. Milk consumption is on the decline, and we knew that we had to adapt and find our new foothold in the marketplace.

That prompted the largest capital project in our 88 years of existence. Our dairy farmers poured \$40 million into Laurel and Landover, modernizing the plants, expanding their capacity and product offerings, creating new jobs and more skilled jobs. Specifically at Laurel we have increased our headcount from 55 to 70 employees.

Those investments have been critical to our success and are key to the financial sustainability of our Cooperative.

Looking at the future of our co-op, the option to sell and develop a portion of our Laurel property is a consideration our board and leadership are pursuing and have made significant business decisions based on the “rules” that were in effect at the time, which are now being changed on a whim. The co-op owns about 220 acres at Laurel, and we’re seeking to sell/develop 121 acres of land that is not needed for plant operations.

Right now the dairy industry – at the farm level – is going through very challenging times. Farmers are hanging up their hats and at a rapid pace. We have lost more than 100 farms since January and 40 percent of those have been Maryland farms.

Selling a portion of our land for development - land that is not needed for plant operations while maintaining a suitable buffer from residential areas – is our path to recouping the significant investment our farmer owners have made in their co-op.

Following two public community meetings where our representatives gathered input from neighbors, we have submitted an environmental concept plan and sketch plan for a by right subdivision without any necessary variances or alternative compliance. Our property is located in a designated growth and revitalization area in Plan Howard 2030, with public utilities and infrastructure to serve the development.

The proposed plan is actually less dense than permitted by the current zoning, which can also be developed under the MXD-3 overlay zone on the property, which allows for commercial, retail, apartment, and hotel development in addition to residential, similar to Maple Lawn just up the street.

Maryland & Virginia Milk Producers Cooperative feels that this proposed legislation is a direct attempt to delay approvals on our property and could put our farming business in jeopardy. Please help us by rejecting this flawed legislation.

## Bill No. 58-2018

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### **SUBJECT**

**AN ACT** amending the Howard County Code to amend the requirements for new developments on Scenic Roads; and generally relating to Scenic Roads.

### **AREA OF CONCERN**

**Ilchester Road**, in Ellicott City, is a designated scenic road. The last third, towards the Howard/Baltimore County line, is a gateway to the Patapsco State Park, historical landmarks, and Main Street, Ellicott City. It's also very scenic and picturesque. I also live there.

### **HISTORY & CHARACTERISTICS**

- The road consists of steep slopes and extreme curves. It descends down from 460 feet to 90 feet within a 1/4 mile at Bonnie Branch Road. It has an extreme 90 degree curve in the middle of the decent and blind spots while driving.
- A dangerous intersection exists below, at Bonnie Branch & Ilchester, due to the speed of vehicles coming down Ilchester Road and a left hand turn blind spot from traffic to and from Baltimore County roads.
- Access to the Patapsco State Park across the walking bridge in Ilchester brings a lot of foot traffic. People are within feet of vehicles at the bottom of the steep road decline. Ilchester bridge presents a curve just past the county line coming off of the bridge and continues into River Road.
- Ilchester is often used by the US Cycling Association and others to conduct bike races due it's unique characteristics of steep slopes and curves. People come from all over to compete in the bike races here on Ilchester and Bonnie Branch. Recently, it is home to the Everest climb which requires the rider to climb up the hill in many iterations to simulate riding up to the height of Mt. Everest. This takes most of the day and night.
- Many historical sites and artifacts are located within this area. Most are in ruins but are significant to Ellicott City. The original Ellicott house, tavern, St. Mary's College, and the Ilchester train station site and Ilchester tunnel.



## **DEVELOPMENT ISSUES**

- The top two thirds of Ilchester Road has had a lot of development in the past 6 years, which makes just the bottom third the real scenic road now.
- 
- Waivers were granted to developers to place lots closer to the scenic road.
- Two development projects are in the works with DPZ approving one site plan on steep slopes in RED. This property also borders the State Park on two sides.
- DPZ approved a preliminary site plan for the developer to allow an entrance at the curve and a separate driveway to another lot. These entrances on a 90 degree curve will go to 8 lots. Concerns from the community about public safety related to traffic and the increased potential for more accidents was dismissed. There is a history of accidents on this curve.
- Two projects of 66 and 22 homes by another developer were built. They contribute to an increase of water in volume and water velocity coming down Ilchester Road.
- The above two developments do not match the nature of the scenic road nor the homes that already existed, which many are historic or custom built homes that took into consideration the scenic nature appropriately, invested a lot time and money to ensure they fit in with the surroundings.
- Other concerns are an increase in traffic and the need for school seats for new kids even though there are already three schools on Ilchester Road.

## **RECOMMENDATIONS**

All adjoining property owners should receive written notice regarding the purpose of a waiver in a timely manner so they can understand what the developers intent is and it's impact to their properties.

A presubmission community meeting should be attended by a member of the Department of Planning and Zoning to explain why a waiver is needed. Especially with scenic roads and if any waiver is going to be recommended by the County in any pre-meetings with a developer and/or engineering firm.

Location and traffic are important issues with regards to Scenic Roads. They need to be addressed in detail with land use decisions at all levels (DPZ, Planning Board, Hearing Examiner, Appeals Board).

Monday, July 23, 2018

## **IN SUMMARY**

There are not many scenic roads in this part of Howard County. We need to look out for them. Scenic roads need to be protected from bad development site plans and should not seek out the maximum density proposed by default.

I ask that the Council make the playing field even with respect to development on Scenic Roads. Right now it's not. Please amend the requirements for new development on scenic roads and favor the preservation of this diminishing natural resource before it's too late.

Scenic roads allow for a natural open space and provide a balance between nature and where people live. It is the right thing to do. We should never be in a position to compromise such resources.

Sincerely,

**Paul Marzin**  
**4450 Ilchester Road**  
**Ellicott City, MD 21043**



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Joshua Greenfeld, have been duly authorized by  
*(name of individual)*

MBIA to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB58 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Joshua Greenfeld

Signature: Joshua Greenfeld

Date: 7/23/18

Organization: MBIA

Organization Address: 11525 W Market Place

Chair/President: Lori Graf, CEO

CB-58, 2018

Council Members,

We would like to see CB-58,2018 not passed or an amendment to exempt any "Ag Assessed property" from the requirements of this bill.

We, the "Ag Assessed properties" are the reason the road is scenic to start with. Some "Ag Assessed properties" are already subject to go before the Agricultural Preservation Board at a county and some at a state level, for the placement of lots and houses, and any "Ag Assessed property" could be handled the same way. It would be redundant to do both. If the regulations of this bill are put upon the Ag Properties, we will be required to lose even more productive farmland than is necessary, simply to build a house on a "Child Lot" or to sell an "Unrestricted Lot" in Ag Pres, as well as any "Ag Assessed Property" simply wanting to subdivide off a lot for themselves. This is why we feel the need to be exempted from this legislation.

Thank You, Howie Feaga, President of Ho. Co. Farm Bureau



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Howie Feaga, have been duly authorized by  
(name of individual)

Howard County Farm Bureau to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-58 to express the organization's  
(bill or resolution number)

support for / opposition to request to amend this legislation.  
(Please circle one.)

Printed Name: Howie Feaga

Signature: Howie Feaga

Date: July 16, 2018

Organization: Ho Co Farm Bureau

Organization Address: Po Box 282

Glendg, MD. 21737

Chair/President: Howie Feaga

July 23, 2018

Lisa Markovitz

President, The People's Voice Ellicott City

CB – 58 support

Thank you for your attention to preserving scenic roads. I have often attended Planning Board hearings, where various types of decisions are made in a quasi-judicial way, where they can only consider the criteria in the law, and are limited to that criteria alone, such as for development near scenic roads. Adding to the criteria is an important preservation improvement, especially by adding traffic issues.

I have heard concerns expressed about the implementation of these new restrictions regarding grandfathering. Some say the new restrictions should allow the grandfathering of projects already in the pipeline, and have these new restrictions not apply to those. Laws apply to projects that don't have a shovel in the ground so to speak, unless otherwise noted, such as stating the new rules apply only to certain projects as of a certain date. I am pleased to NOT see such provisions in this legislation, especially with regard to projects that have only just begun the years long process of development.

There is plenty of time in early phases of the process to make adjustments to protect our rare environmentally sensitive projected areas. The word "practicable" in the Bill provides enough protection to current projects that exemptions need not be considered.



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Lisa Markovitz, have been duly authorized by  
(name of individual)

The People's Voice, LLC to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 58-2018 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Lisa Markovitz

Signature: [Handwritten Signature]

Date: 7/23/18

Organization: The People's Voice, LLC

Organization Address: 3209 Corporate Ct  
Ellicott City MD 21032

Number of Members: 212

Name of Chair/President: Lisa Markovitz, President

***This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.***

## Sayers, Margery

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**From:** Wayne Davis <wayne.davis103@gmail.com>  
**Sent:** Monday, July 16, 2018 7:14 PM  
**To:** CouncilMail  
**Subject:** Testimony in Support of Council Bill 58-2018

I strongly support Council Bill 58-2018 to amend the requirements for new developments on Scenic Roads. We are losing the quality of life in Howard County due to over-development that ignores the remaining scenic nature of our County. There are only three scenic roads in southeast Howard County, and two are greatly endangered by development of open space. We need our scenic roads and open space. We moved to Howard County, and specifically Columbia, to enjoy the scenery, trails, and open spaces. For 25 years I have treasured traveling on two scenic roads regularly, sometimes several times a day.

I would specifically like to comment on the Gorman and Murray Hill Scenic Roads.

Councilmembers Calvin Ball and Jen Terrasa introduced this bill which calls for more transparency and protection of scenic roads in Howard County.

**GORMAN ROAD.** Road names are customarily taken from families or individuals. Peter Gorman was born in Woodstock and moved to this area in the 1840s. He worked on building the first B&O rail line between Ellicott Mills and Woodstock. Peter and his son, Arthur Pue Gorman, lived just up the hill from the current Vollmerhausen Road. Arthur was elected as US Senator in 1881 and represented Maryland well.

The Gorman family has a storied history, but I can give it only a mention here. Gorman Road connected the Columbia Pike to Savage Mill and passes several historic houses. Before it became known as Gorman Road in the 1960s, it was referred to as Johnson Lane for Arthur Gorman's son-in-law and president of the Laurel Race Track.

**MURRAY HILL ROAD** was named for Murray Peddicord, an influential farmer and businessman, who lived in the historic Stewart-Earp House across from Clocktower Lane, called Granite Hill. The families farming the land wanted to connect Gorman Road to the Guilford Factory, which was producing cotton and granite from the quarries. They made a request for a new road in 1868 which was granted the following year for a fee of \$150.

Murray Hill Road also passes famous historic houses including Granite Hill, which was built in the early 1800s, before the quarries were commercially operating.

We need these scenic roads to be protected and treasured. Does the Council know about this history and appreciate the identify it provides to the community?

Thank you for considering this testimony in support of CB 58-2018

Source – most of the material was taken from the very valuable document “History of the Murray Hill Road and Gorman Road Area” by Dr. Larry Madaras, Associate Professor of History and Government, Howard Community College, April 1985.



**Written Testimony regarding CB58-2018 proposed amendments to Howard County Code Section 16.125 Protection of Scenic Roads and 16.1404 Alterations to Scenic Road Right-of-Way.**

**General comment:**

I support the proposal for additional public meetings and coordination with Department of Planning and Zoning and the Planning board when considering alterations of scenic roads. I do not support the amendment language in Section 16.125 (b) (4) and Section 16.1404 (a) (3) *Alternate Ingress and Egress*. These sections unnecessarily restrict options that could increase the safety and lessen adverse traffic impacts to bordering residents and nearby communities. Section 16.125 (b) (3) and Section 16.1404 (a) (2) as written in the County Code adequately addresses the protection of scenic roads for development of land abutting a scenic road. Further, the proposed amendment in Section 16.125 (b) (5) and Section 16.1404 (a) (4) adequately addresses the need for public meetings and Planning Board review for ingress/egress of new developments to scenic roads.

**Specific recommendation:**

Remove Section 16.125 (b) (4) and Section 16.1404 (a) (3)

*Alternate Ingress Egress*

*Any new development that adjoins a scenic road shall to the extent practicable provide ingress/egress at a non-scenic road. Any new vehicular ingress and egress along a scenic road shall be approved by the Planning Board in a public meeting after determination that such vehicular ingress and egress cannot be practicably located on a non-scenic road.*

Reasoning: This provision could promote adverse impacts to public safety and communities by limiting ingress and egress options for developments that border scenic roads. The protection of scenic roads is adequately addressed in the preceding Sections 16.125 (b) (1-3) and Sections 16.1404 (a) (1-2) and in the amended language proposed in Section 16.125 (b) (5) and Section 16.1404 (a) (4). With regard to the development of the Milk Producers property in southeastern Howard County, a distributed ingress/egress which includes Gorman Road would be a better option for the larger community, particularly for the residential areas fronting Leishear and Gorman roads.

Chris Beaverson  
Resident of District 3  
Howard County (20723)

## Sayers, Margery

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**From:** Joshua Greenfeld <jgreenfeld@marylandbuilders.org>  
**Sent:** Monday, July 16, 2018 8:04 AM  
**To:** Feldmark, Jessica; Ball, Calvin B; Smith, Gary; Weinstein, Jon; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Knight, Karen; Pruim, Kimberly; Clay, Mary; CouncilMail; Wilson, B Diane; Lazdins, Valdis; allan.kittleman@howardcountymd.gov; Kittleman, Allan; Wimberly, Theo  
**Cc:** Lori Graf; Jamie Fraser  
**Subject:** MBIA Opposition to CB56 and CB58  
**Attachments:** MBIA Opposition Letter to CB58 – Scenic Road New Regulations.pdf; MBIA Opposition Letter to CB56 – Ellicott City Development Moratorium.pdf; CB58 Impacts - Scenic Road Bill.pdf

Dear Chairwoman Sigaty and Members of the Howard County Council:

In anticipation of tonight's Council meeting, the Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 56 and Council Bill 58.

Council Bill 56 creates a one year moratorium on grading and building permits in the Tiber-Hudson Watershed despite the County's McCormick Taylor study concluding development was not the cause of flooding in Ellicott City.

Council Bill 58 requires any new ingress to a scenic road or a project of 100 or more residential units within 1 mile of a scenic road to obtain approval from the Planning Board and/or the Department of Planning and Zoning (DPZ) while arbitrarily allowing the County to require projects pay for road improvements or have their projects put on hold. Please see attached map showing over half of the County impacted by this new, anti-business legislation.

Importantly, neither of these bills contain grandfathering provisions, so projects in the pipeline and even those nearing completion, will be halted and in some cases, killed entirely. The MBIA urges the Council to vote against both of these bills and at a minimum, to pass grandfathering amendments to protect existing investments in the County.

Thank you for your attention to these vital issues. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at [jgreenfeld@marylandbuilders.org](mailto:jgreenfeld@marylandbuilders.org) or (443) 515-0025.

Best regards,

Josh Greenfeld, Esq.  
[jgreenfeld@marylandbuilders.org](mailto:jgreenfeld@marylandbuilders.org)  
Vice President of Government Affairs  
Maryland Building Industry Association  
11825 W. Market Place  
Fulton, MD 20759  
Ph: 443-515-0025



MACO Golf Outing & Reception - August 16  
Golf at Glen Riddle & Reception at Seacrets. [Register here.](#)

Networking BBQ with the Eastern Shore Chapter - August 21  
Join us on the Shore for this FREE Event. [Register here.](#)

Diamondback Brewery Fundraiser - August 21  
To Support the Ulman Cancer Fund for Young Adults. [Register here](#)

MBIA's Southern Maryland Crab Feast - August 22  
At the Olde Breton Inn in Leonardtown. [Register here](#).

Check out NAHB's Member Advantage Program at [www.nahb.org/ma](http://www.nahb.org/ma)

July 16, 2018

**Re: OPPOSITION TO CB58 – Scenic Roads New Regulations**

Dear Chairwoman Sigaty and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 58, requiring any new ingress to a scenic road or a project of 100 or more residential units within 1 mile of a scenic road to obtain approval from the Planning Board and/or the Department of Planning and Zoning (DPZ). The bill also arbitrarily allows the County to require projects to pay for capital costs of road improvements or have their projects put on hold. Importantly, this legislation contains no grandfathering provisions, so projects in the pipeline and even those nearing completion, could be required to go back and get Planning Board and/or DPZ approval to proceed.

While this legislation appears targeted at one specific project, this broadly written legislation impacts over 50% of the County and could impact numerous current and future projects (*See attached map*). On the back of CB1 creating a moratorium on almost all projects in the county, except in the rural West, this new anti-business legislation is another nail in the coffin for the local home building industry. Specifically, there are no standards for which the Planning Board should judge scenic road access and limited basis for Planning Board and DPZ approvals for developments of 100 or more units. This uncertainty makes investing in Howard County even more challenging while opening the County up to significant legal challenges.

In addition to creating new hurdles to investment, this legislation decreases housing supply making housing less affordable and exacerbating income inequality. Making projects more costly in virtually the only area CB1 left open makes moving into or up in Howard County more challenging denies lower income and even average income individuals and families the opportunity to experience the high quality of life in the County.

The MBIA urges you to vote against these costly and arbitrary new regulations that will decrease investment while exacerbating income and wealth inequality. If the Council does move forward with this legislation, it must contain a grandfathering clause to protect existing investments and the business climate of the County.

Thank you for your attention to this vital issue. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at [jgreenfeld@marylandbuilders.org](mailto:jgreenfeld@marylandbuilders.org) or (443) 515-0025.

Best regards,

Josh Greenfeld, Vice President of Government Affairs

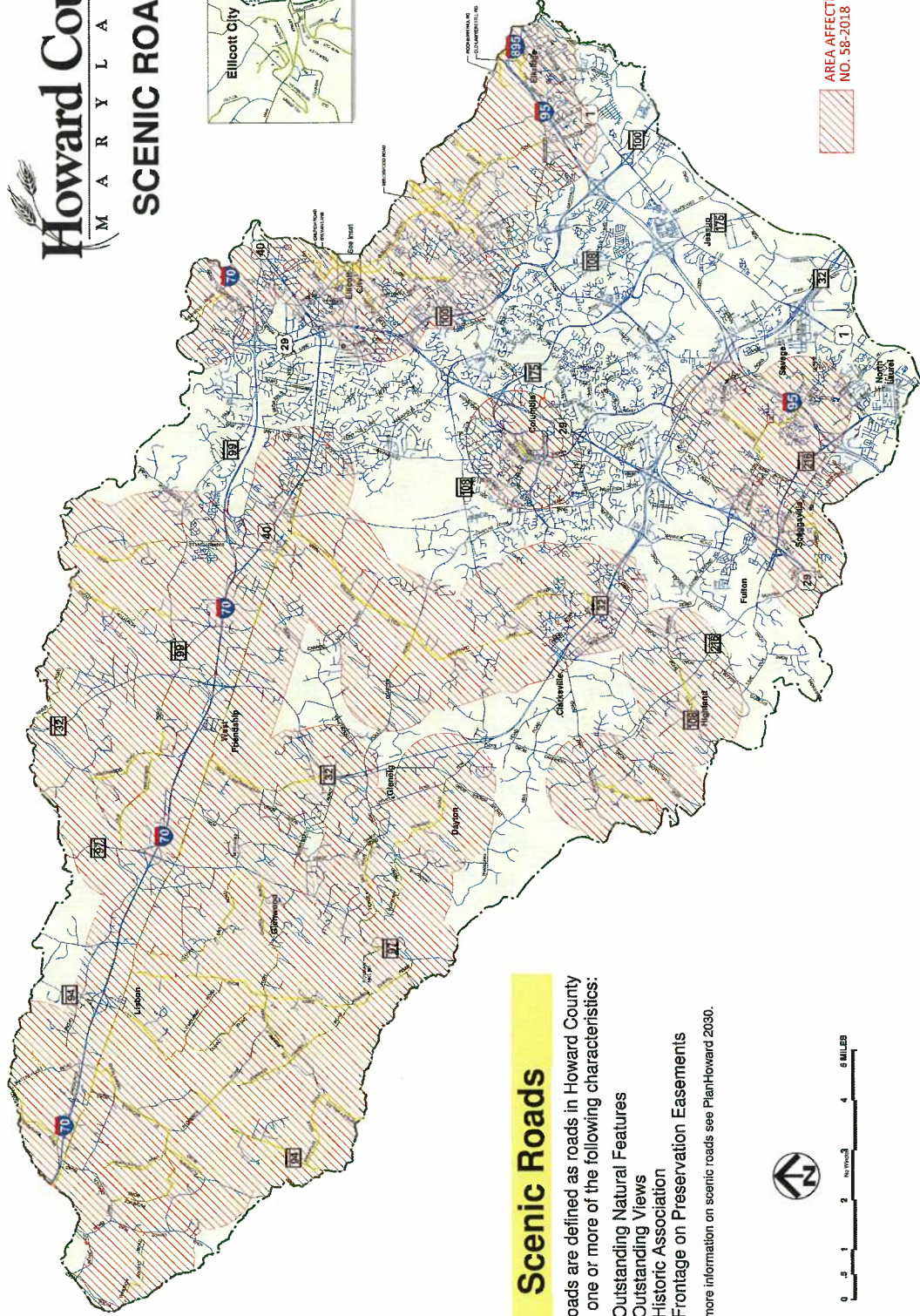
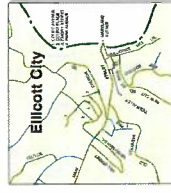
Cc: Councilman Jon Weinstein  
Councilman Greg Fox  
Councilman Calvin Ball  
Councilmember Jen Terrassa

County Executive Allan Kittleman  
Diane Wilson  
Valdis Lazdins, Planning Director

# Howard County

M A R Y L A N D

## SCENIC ROADS



AREA AFFECTED BY COUNCIL BILL  
NO. 58-2018

**Scenic Roads**  
 Scenic Roads are defined as roads in Howard County that have one or more of the following characteristics:  
 Outstanding Natural Features  
 Outstanding Views  
 Historic Association  
 Frontage on Preservation Easements

For more information on scenic roads see PlanHoward 2030.



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## Sayers, Margery

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**From:** Richard Tufts <tuftsdaisy@verizon.net>  
**Sent:** Wednesday, July 11, 2018 10:00 PM  
**To:** CouncilMail  
**Subject:** Testimony for CB58-2018

Council Members,

I support Council Bill 58-2018 and thank Council members Terrasa and Ball for bringing it forth.

In addition to the specific issue, adding Ingress and Egress, CB58-2018 will serve to strengthen Scenic Roads legislation. Moreover, as growth continues, legislation such as this and more will become more necessary to protect Scenic Roads. Therefore I support CB58 - 2018. I believe it will assist in the future to ensure the safety and protection of all Scenic Roads.

Hopefully this bill will also stimulate appropriate review of current, codified Scenic Roads legislation, together with interested constituents.

Richard G. Tufts  
2830 Duvall road  
Daisy, MD