County Council Of Howard County, Maryland

2019 Legislative Session | Legislative Day No.1

Resolution No. 3 -2019

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into an agreement with River Hill Square, LLC, to make certain road improvements at the intersection of Clarksville Pike (MD Route 108) and Sheppard Lane.

Introduced and read first time January 7, 2019.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on January 22, 2019.

By order _____
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments ✓, Failed___, Withdrawn___, by the County Council on February 4, 2019.

Certified By _____
Jessica Feldmark, Administrator

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.

WHEREAS, Section 4.106(e)(2) of the Howard County Code provides that the County Council may, by resolution, authorize the County Purchasing Agent to waive the formal competitive bidding requirements for any single purchase or sale if, in the judgment of the County Council, the waiver will best serve the interest of the County; and

WHEREAS, River Hill Square, LLC a limited liability company formed in accordance with the laws of the State of Maryland and in good standing with the Maryland State Department of Assessments and Taxation (the "Developer") is developing certain real property located at 12171 Clarksville Pike, Clarksville, Howard County, Maryland pursuant to Commercial Site Development Plan (F-18-044) titled "River Hill Square, redevelopment of River Hill Garden Center" (the "SDP"), which property is owned by Stephen A. Klein & Associates and described in the deed recorded among the Land Records of Howard County, Maryland at Liber 5082, Folio 679 (the "Property"); and

WHEREAS, the SDP's Final Road Construction Plans include a realignment of the intersection of Sheppard Lane and Clarksville Pike (Md Route 108) and related improvements, (the "Road Improvements"); and

WHEREAS, the County has determined that the completion of the Road Improvements at the time of the development of the Property is in the public's interest and has funded ~~Capital Project J4177, State Road Construction, and Capital Project J4220, Developer/County Shared Improvements, for~~ <u>various projects within the County's Capital Improvement Program to fund</u> a portion of the costs to complete the Road Improvements; and

WHEREAS, pursuant to the Land Development and Subdivision Regulations of Howard County, the Developer and the County will enter into a Developer Agreement for the construction of public improvements including the Road Improvements all of which public improvements are set forth in the approved plans and specifications; and

WHEREAS, the Director of the Department of Public Works has determined the most cost effective and efficient way to complete the Road Improvements is to enter into a cost

sharing agreement, substantially in the form attached as Exhibit 1, with the Developer and to request the Developer to construct the Road Improvements; and

WHEREAS, the County and the Developer have agreed that the County's share of the costs to construct the Road Improvements shall not exceed One Million Two Hundred ~~Sixty-two~~ Ninety-six ~~Thousand Four Hundred Thirteen Dollars ($1,262,413.00); and~~ Thousand One Hundred Nine Dollars ($1,296,109.00); and

WHEREAS, approval of this Resolution is limited to a waiver of County competitive bidding requirements merely for the purpose of authorizing the County to enter into the cost sharing agreement, substantially in the form attached as Exhibit 1, and shall not be deemed approval of any development project or site development plan.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland, this 4th day of February, 2019, pursuant to Section 4.106(e)(2) of the Howard County Code, it declares that the best interests of the County will be served by authorizing the County Purchasing Agent to waive the competitive bidding requirements of Subtitle 1, "Purchasing", of Title 4, "Contracts, Purchasing and Property", of the Howard County Code in order to allow the County to enter into an agreement with River Hill Square, LLC, a limited liability company formed in accordance with the laws of the State of Maryland and in good standing with the Maryland State Department of Assessments and Taxation, for the construction of road improvements at the intersection of Clarksville Pike (MD Route 108) and Sheppard Lane in accordance with the Sheppard Lane and Clarksville Pike Intersection Improvements Cost Sharing Agreement, substantially in the form attached as Exhibit 1.

AND BE IT FURTHER RESOLVED by the County Council of Howard County, Maryland that this waiver of competitive bidding requirements shall not be interpreted or construed as approval of any development project or site development plan.

SHEPPARD LANE AND CLARKSVILLE PIKE INTERSECTION IMPROVEMENTS COST SHARING AGREEMENT

THIS SHEPPARD LANE AND CLARKSVILLE PIKE INTERSECTION IMPROVEMENTS COST SHARING AGREEMENT (this "Agreement") is made this _____ day of _____, 2019, by and between **RIVER HILL SQUARE, LLC** a limited liability company formed in accordance with the laws of the State of Maryland and in good standing with the Maryland State Department of Assessments and Taxation (the "Developer"), and **HOWARD COUNTY, MARYLAND**, a body corporate and politic (the "County").

WHEREAS, the Developer is developing certain real property located at 12171 Clarksville Pike, Clarksville, Howard County, Maryland pursuant to Commercial Site Development Plan (SDP-18-044) titled River Hill Square, redevelopment of River Hill Garden Center (the "SDP"), which property is owned by Stephen A. Klein & Associates and described in the deed recorded among the Land Records of Howard County, Maryland ("Land Records") at Liber 5082, Folio 679 (the "Property").

WHEREAS, the SDP's Final Road Construction Plans include a realignment of the intersection of Sheppard Lane and Clarksville Pike (Route 108) and related improvements.

WHEREAS, the County established Capital Projects J4177 and J4220 to construct certain improvements to the intersection of the Sheppard Lane and Clarksville Pike which have been included in the SDP and are shown on the marked up version of page 5 of the Final Road Construction Plans (excluding the stormwater management facilities), a copy of which is attached hereto as **Exhibit A** and are referred to herein as the "Road Improvements".

WHEREAS, pursuant to the Land Development and Subdivision Regulations of Howard County, the Developer and the County will enter into a Developer Agreement for the construction of public improvements including the Road Improvements all of which public improvements as they may be approved by the County will be set forth in the approved plans and specifications, as defined therein (the "Developer Agreement").

WHEREAS, the Director of the Department of Public Works has determined the most cost effective and efficient way to complete the Road Improvements is to enter into a cost sharing agreement with the Developer and request the Developer to construct the Road Improvements.

WHEREAS, the County and the Developer have agreed that the County's share of the costs to construct the Road Improvements shall not exceed One Million Two Hundred Ninety-Six Thousand One Hundred Nine Dollars ($1,296,109.00).

WHEREAS, the County Council of Howard County, Maryland adopted Council Resolution Number ____-2019 which authorizes the County to waive the formal

competitive bidding requirements and to enter into this Agreement with the Developer for the construction of the Road Improvements.

NOW, THEREFORE, IN CONSIDERATION of the foregoing recitals which are a material part of this Agreement and are hereby incorporated herein, the mutual promises of the Developer and the County set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Developer and the County agree as follows:

SECTION 1. Design and Construction of the Road Improvements.

a) The Developer shall select the contractor(s) for the construction of the Road Improvements as shown on the SDP 18-044 and the Final Road Construction Plans for F-18-099 which shall be a part of the Approved Plans and Specifications as defined under the Developer Agreement) through a solicitation of bids, obtaining at least three (3) independent bids. The County shall have the right to review and approve the bids received by the Developer. The Developer shall not accept a bid for the construction of the Road Improvements that has not been approved by the County.

b) The County shall regulate and inspect the construction of the Road Improvements in accordance with the terms of the Developer Agreement, Design Manual, Regulations, and Howard County Code. Any changes to the Approved Plans and Specifications affecting the Road Improvements shall be submitted to the County in writing for the County to consider prior to the construction of such changes.

c) The Developer covenants to indemnify and hold the County harmless from and against any and all claims, actions, damages, liability and expenses of any nature, including reasonable attorney's fees and the County's costs of defense, in connection with loss of life, personal injury and/or damage to, or loss of property that arises from any work or activity related to the construction of the Developer's or its employees, contractors, or agents' activities in performing this Agreement. The foregoing indemnification applies except to the extent that the losses are solely attributable to and proximately caused by the sole negligence or the willful, malicious, or wanton misconduct of the County or its officials, agents, employees, or contractors. This indemnification shall terminate upon the County's acceptance of the Road Improvements pursuant to the Developer Agreement.

SECTION 2. Reimbursement by the County. The Developer shall bear all of the costs for construction associated with constructing the Road Improvements as detailed in the Construction Plans, including but not limited to, utility relocations, acquisitions of property interests, permits from the State Highway Administration, design, materials, and construction costs. The Developer may request reimbursement from the County for the costs of the materials and road construction labor attributable to the Road Improvements in an amount not to exceed One Million Two Hundred Ninety-Six Thousand One Hundred Nine Dollars ($1,296,109.00). Periodically, but no more frequently than monthly during the construction of the Road Improvements, the Developer shall submit to the County a properly documented invoice (including affidavits from all subcontractors regarding

payment in full for work completed) for such portion of the Road Improvements constructed since the last invoice. If the County has inspected the construction of the Road Improvements and considers the partially completed work acceptable, the County shall process the invoice for payment of ninety percent (90%) of the invoiced amount within thirty (30) days. An amount equal to ten percent (10%) of the invoiced amount shall be withheld by the County until such time that (i) the Developer has completed the Road Improvements, (ii) County has accepted the work and (iii) the Developer has provided signed and sealed as-built construction plans for the Road Improvements to the County.

SECTION 3. Appropriation of Funds. In addition to all other conditions and contingencies set forth in this Agreement, the County's obligations under this Agreement to reimburse funds to the Developer from Capital Projects J4177 or J4220 shall be contingent upon the County Council's approval of the annual appropriation of funds to the County's budget. Notwithstanding the foregoing, the Department of Public Works of the County will use reasonable efforts to obtain and subsequently maintain the funds necessary to reimburse funds to the Developer pursuant to this Agreement.

SECTION 4. Notice. All correspondence regarding this Agreement and the work to be performed hereunder shall be mailed or personally delivered in the case of the Developer to:

River Hill Square, LLC
c/o SDC River Hill Square LLC
Steven K. Breeden, Vice President
8480 Baltimore National Pike, Suite 415
Ellicott City, MD 21043

The name and telephone number of the Developer's contact person for this Agreement is Steven K. Breeden, (410) 465-4244.

All correspondence regarding this Agreement and the work to be performed hereunder shall be mailed or personally delivered in the case of the County to:

Director of Public Works
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043

The name and telephone number of the County's contact person for this Agreement is James M. Irvin, (410) 313-4401.

A party to this Agreement may change its address by written notice to the other party.

SECTION 5. Assignment; Binding Effect. This Agreement may not be assigned without the express prior written consent of the County. In the event the Developer intends to sell or assign any interest in the Property, the Developer and the new owner shall

request the County to consent to the completion of the obligations herein by the new owner and this Agreement shall be amended to reflect such assignment. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the Developer and the County. References to the Developer or the County shall be deemed to refer to each person hereinabove named and their respective designees, successors, and assigns.

SECTION 6. Amendment. Any amendment to this Agreement shall be written and signed by the County and the Developer. Each writing or plat referred to in this Agreement is hereby made a part of this Agreement

SECTION 7. Conflict of Interest. Developer certifies that he/she has read and understands the provisions of Section 901(a) of the Howard County Charter and Section 22.204 of the Howard County Code relating to conflicts of interest and attached hereto as **Exhibit B**.

IN WITNESS WHEREOF, the respective duly authorized officers of the Developer and the County hereto have set their hand and seals to this Sheppard Lane and Clarksville Pike Intersection Improvements Cost Sharing Agreement on the day and year first above written.

[Signatures continue of the following page.]

WITNESS/ATTEST:

RIVER HILL SQUARE LLC

By: SDC River Hill LLC, Member

_____

By: _____(SEAL)
Steven K. Breeden
Vice President

By: Stephen Klein & Associates, LLC

_____

By: _____(SEAL)
Stephen M. Klein, President

STATE OF MARYLAND, HOWARD COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 2019, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Steven K. Breeden, who acknowledged himself to be the Vice President of SDC River Hill LLC, a Member of SDC River Hill LLC and that he executed the foregoing Agreement on behalf of SDC River Hill LLC for the purposes therein contained.

AS WITNESS my Hand and Notarial Seal.

_____
Notary Public

My Commission Expires: _____

STATE OF MARYLAND, HOWARD COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 2019, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Stephen M. Klein, who acknowledged himself to be the Vice President of Stephen Klein & Associates, LLC, a Member of SDC River Hill LLC and that he executed the foregoing Agreement on behalf of Stephen Klein & Associates, LLC for the purposes therein contained.

AS WITNESS my Hand and Notarial Seal.

_____
Notary Public

My Commission Expires: _____

[Signatures continue of the following page.]

ATTEST:

_____
Lonnie R. Robbins

Chief Administrative Officer

HOWARD COUNTY, MARYLAND

By: _____(SEAL)
Calvin Ball
County Executive

Date: _____

APPROVED: Department of Public Works

_____
James M. Irvin, Director
Department of Public Works

APPROVED for Sufficiency of Funds:

_____
Janet R. Irvin, Director
Department of Finance

APPROVED for Form and Legal Sufficiency:
this _____ day of _____2019

_____
Gary W. Kuc, County Solicitor

_____
Lisa S. O'Brien,
Senior Assistant County Solicitor

STATE OF MARYLAND, HOWARD COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 2019, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Calvin Baldwin, County Executive for HOWARD COUNTY, MARYLAND, who acknowledged to me that he executed the foregoing Agreement for the purposes therein contained, and he further acknowledged the same to be the act of Howard County, Maryland.

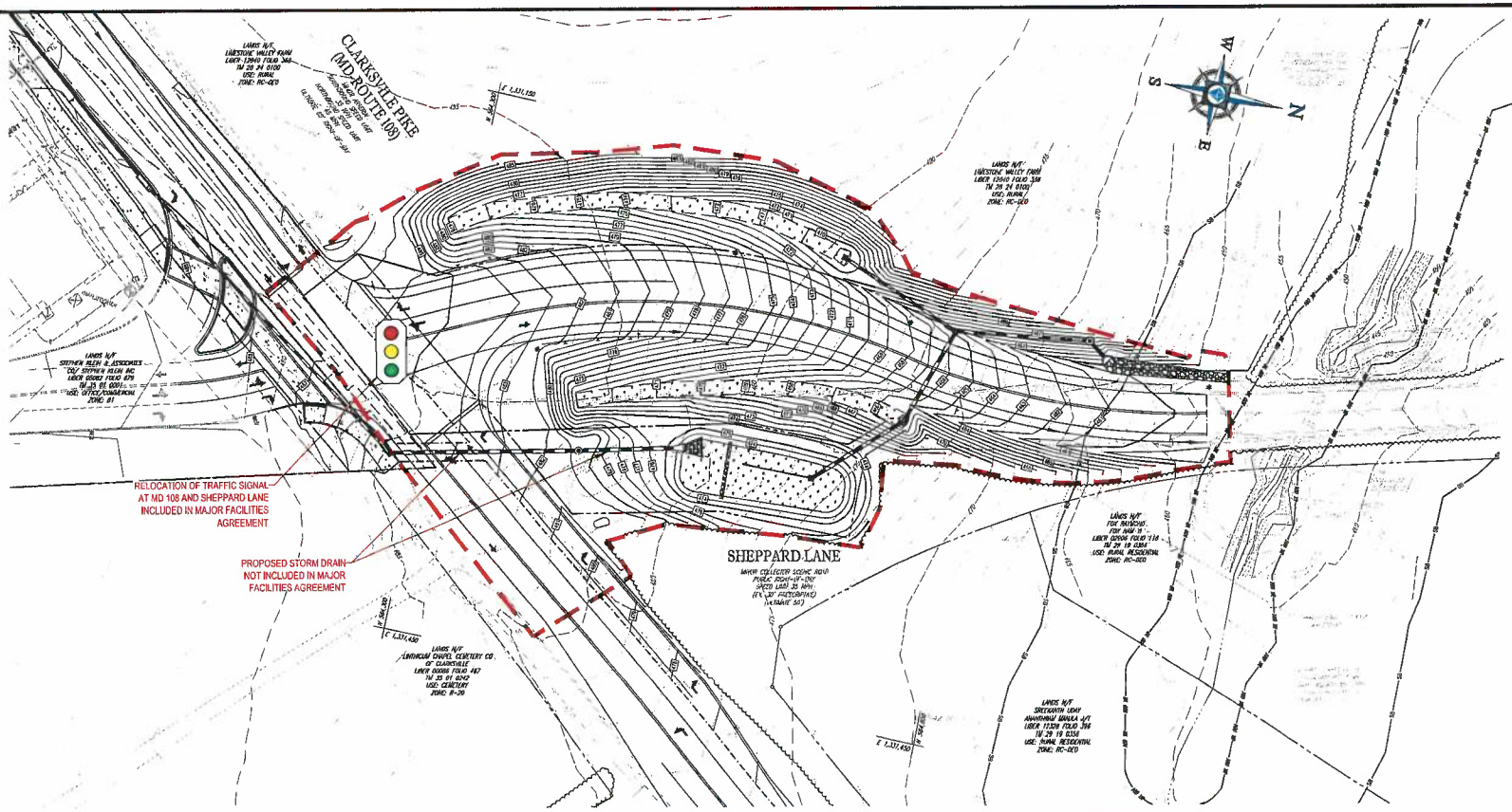
AS WITNESS my Hand and Notarial Seal.

_____
Notary Public

My Commission Expires: _____

EXHIBIT A

See Attached



LEGEND

LIMIT OF HOWARD COUNTY IMPROVEMENTS

BOHLER ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROJECT MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
SITE DEVELOPMENT
TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	BY

KNOW WHAT'S BELOW
ALWAYS CALL 811
BEFORE YOU DIG
It's free. It's fast. It's the law.

NOT APPROVED FOR CONSTRUCTION

PROJECT No.:	MD13003
DRAWN BY:	EBP
CHECKED BY:	BBB
DATE:	12/17/18
SCALE:	1" = 30'
CAD I.D.:	EX2

PROJECT:

EXHIBIT

FOR

MD ROUTE 108 IMPROVEMENTS AND SHEPPARD LANE RE-ALIGNMENT

LOCATION OF SITE

INTERSECTION OF CLARKSVILLE PIKE (MD RTE. 108) AND SHEPPARD LANE
CLARKSVILLE, MD 21029
ZONE: B-1, RC-DEO
13TH ELECTION DISTRICT
HOWARD COUNTY

BOHLER ENGINEERING
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7967
MD@BohlerEng.com

SHEET TITLE:

EXHIBIT

SHEET NUMBER:

1

F-18-099

EXHIBIT B
Howard County Charter
Section 901. Conflict of Interest.

(a) **Prohibitions**. No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work, or service for the County. No such officer or employee shall accept any service or thing of value, directly or indirectly, from any person, firm or corporation having dealings with the County, upon more favorable terms than those granted to the public generally, nor shall he receive, directly or indirectly, any part of any fee, commission or other compensation paid or payable by the County, or by any person in connection with any dealings with the County, or by any person in connection with any dealings with or proceedings before any branch, office, department, board, commission or other agency of the County. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County officers, employees or persons or firms doing business with the County. No such officer or employee shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his public work; provided, however, that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for, for the accomplishment of a particular task.

(b) **Rules of construction; exceptions by Council**. The provisions of this Section shall be broadly construed and strictly enforced for the purpose of preventing officers and employees from securing any pecuniary advantages, however indirect, from their public associations, other than their compensation provided by law.

In order, however, to guard against injustice, the Council may, by resolution, specifically authorize any County officer or employee to own stock in any corporation or to maintain a business in connection with any person, firm or corporation dealing with the County, if, on full public disclosure of all pertinent facts to the County Council by such officer or employee, the Council shall determine that such stock ownership or connection does not violate the public interest.

The County Council may, by ordinance, delegate to the Howard County Ethics Commission the power to make such determinations and to authorize the ownership or connection. Any ordinance which delegates this power shall provide for procedures including a public hearing, and shall establish criteria for determining when the ownership or connection does not violate the public interest.

(c) **Penalties**. Any officer or employee of the County who willfully violates any of the provisions of this Section shall forfeit his office. If any person shall offer, pay, refund or rebate any part of any fee, commission, or other form of compensation to any officer or employee of the County in connection with any County business or proceeding, he shall, on conviction, be punishable by imprisonment for not less than one or more than six months or a fine of not less than $100.00 or more than $1,000.00, or both. Any contract made in violation of this Section may be declared void by the Executive or by resolution of the Council. The penalties in this Section shall be in addition to all other penalties provided by law.

Howard County Code
Section 22.204. Prohibited Conduct and Interests.

(a) **Participation Prohibitions**: County official and employees subject to this subtitle shall not:

(1) Except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to the matter, participate on behalf of the county in any matter which would, to their knowledge, have a direct financial impact as distinguished from the public generally, on them, their spouse, parent, child, sibling or upon any business interest with which they are affiliated;

(2) Except as exempted by the county council pursuant to Section 901(b) of the Howard County Charter, hold or acquire an interest in a business entity that has or is negotiating a contract with the county or is regulated by the official or employee;

(3) Except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to the matter, participate in any matter involving a business entity with which they, their spouse, parent, child or sibling are negotiating or have an arrangement concerning prospective employment.

(b) **Employment Prohibitions**: Except as exempted by the county council pursuant to section 901(b) of the Howard County Charter or when the employment or interest does not create an actual or apparent conflict of interest, officials and employees shall not:

(1) Be employed by:

(i) Any entity subject to their official authority;

(ii) Any entity subject to the authority of the Howard County agency, board or commission with which they are affiliated;

(iii) Any entity which is negotiating or has entered into a contract with the Howard County agency, board or commission with which they are affiliated.

(2) Represent any party for a fee, commission or other compensation before any county body;

(3) Within one (1) year following termination of county service, act as a compensated representative of another in connection with any specific matter in which they participated substantially as a county official or employee.

The employment provisions listed above do not apply to:

(1) An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to its jurisdiction be represented in appointments to it;

(2) Subject to other provisions of law, a member of a board or commission who publicly disclosed a financial interest or employment to the appointing authority at the time of appointment;

(3) Employees or officials whose duties are ministerial, provided that the private employment or financial interest does not create a conflict of interest or the appearance of such a conflict.

(c) **Solicitation/Acceptance of Gifts or Compensation**: No employee or official shall solicit any gifts. No employee or official shall accept any gift or compensation, directly or indirectly from any person that he/she knows or has reason to know, has financial interests, distinguishable from the interest of the public, that would be affected by the actions of the employee or official.

(d) **Use of Prestige of Office**: No county officials or employees subject to this subtitle shall intentionally use the prestige of their office for their own gain or that of another. The performance of usual and customary constituent services without additional compensation does not constitute the use of prestige of office for an official or employee's private gain or that of another.

(e) **Disclosure of Confidential Information**: Other than in the discharge of official duties, officials or employees may not disclose or use, for their own gain or that of another, confidential information acquired by reason of public position and which is not available to the public.

Sec. 22.204. - Prohibited conduct and interests.

(a) Participation Prohibitions.

(1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.

(ii) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

a. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

b. A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

c. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating or has any arrangement concerning prospective employment;

d. If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

e. An entity, doing business with the County, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

f. A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(2) A person who is disqualified from participating under paragraph 1. of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(i) The disqualification leaves a body with less than a quorum capable of acting;

(ii) The disqualified official or employee is required by law to act; or

(iii) The disqualified official or employee is the only person authorized to act.

(3) The prohibitions of paragraph 1. of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

(b) <u>Employment and Financial Interest Restrictions</u>.

(1) Except as permitted by regulation of the commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by or have a financial interest in any entity:

a. Subject to the authority of the official or employee or the County agency, board, commission with which the official or employee is affiliated; or

b. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) The prohibitions of paragraph (1) of this subsection do not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Commission; or

(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(c) Post-Employment Limitations and Restrictions.

(1) A former official or employee may not assist or represent any party other than the County for compensation in a case, contract, or other specific matter involving the County if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) For a year after the former member leaves office, a former member of the County Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(d) Contingent Compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the County.

(e) Use of Prestige of Office.

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

(f) Solicitation and Acceptance of Gifts.

(1) An official or employee may not solicit any gift.

(2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(i) Is doing business with or seeking to do business with the County office, agency, board or commission with which the official or employee is affiliated;

(ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

(4) (i) Subsection (4)(ii) does not apply to a gift:

a. That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

b. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

c. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(ii) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

a. Meals and beverages consumed in the presence of the donor or sponsoring entity;

b. Ceremonial gifts or awards that have insignificant monetary value;

c. Unsolicited gifts of nominal value that do not exceed $20.00 in cost or trivial items of informational value;

d. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

e. Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

f. A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;

g. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

h. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related, in any way, to the official's or employee's official position.

(g) Disclosure of Confidential Information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(h) Participation in Procurement.

(1) An individual or a person that employs an individual who assists a County, agency or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement, may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

Amendment 1 to Council Resolution No. 3-2019

BY: The Chairperson at the request of the County Executive

Legislative Day 3
Date: February 4, 2019

Amendment No. 1

(This amendment makes technical corrections to remove reference to specific capital projects and corrects a dollar amount.)

On page 1, in line 20, strike "Capital".

On page 1, strike line 21.

On page 1, in line 22, strike "Improvements, for" and substitute "<u>various projects within the County's Capital Improvement Program to fund</u>".

On page 2, in line 5, strike "Sixty-two" and substitute "<u>Ninety-six</u>".

On page 2, strike line 6, and substitute "<u>Thousand One Hundred Nine Dollars ($1,296,109.00); and</u>".

ADOPTED 2/4/2019
FAILED
SIGNATURE

County Council Of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 1

Resolution No. 3 -2019

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into an agreement with River Hill Square, LLC, to make certain road improvements at the intersection of Clarksville Pike (MD Route 108) and Sheppard Lane.

Introduced and read first time _____, 2019.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on _____, 2019.

By order _____
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2019.

Certified By _____
Jessica Feldmark, Administrator

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.

WHEREAS, Section 4.106(e)(2) of the Howard County Code provides that the County Council may, by resolution, authorize the County Purchasing Agent to waive the formal competitive bidding requirements for any single purchase or sale if, in the judgment of the County Council, the waiver will best serve the interest of the County; and

WHEREAS, River Hill Square, LLC a limited liability company formed in accordance with the laws of the State of Maryland and in good standing with the Maryland State Department of Assessments and Taxation (the "Developer") is developing certain real property located at 12171 Clarksville Pike, Clarksville, Howard County, Maryland pursuant to Commercial Site Development Plan (F-18-044) titled "River Hill Square, redevelopment of River Hill Garden Center" (the "SDP"), which property is owned by Stephen A. Klein & Associates and described in the deed recorded among the Land Records of Howard County, Maryland at Liber 5082, Folio 679 (the "Property"); and

WHEREAS, the SDP's Final Road Construction Plans include a realignment of the intersection of Sheppard Lane and Clarksville Pike (Md Route 108) and related improvements, (the "Road Improvements"); and

WHEREAS, the County has determined that the completion of the Road Improvements at the time of the development of the Property is in the public's interest and has funded Capital Project J4177, State Road Construction, and Capital Project J4220, Developer/County Shared Improvements, for a portion of the costs to complete the Road Improvements; and

WHEREAS, pursuant to the Land Development and Subdivision Regulations of Howard County, the Developer and the County will enter into a Developer Agreement for the construction of public improvements including the Road Improvements all of which public improvements are set forth in the approved plans and specifications; and

WHEREAS, the Director of the Department of Public Works has determined the most cost effective and efficient way to complete the Road Improvements is to enter into a cost

sharing agreement, substantially in the form attached as Exhibit 1, with the Developer and to request the Developer to construct the Road Improvements; and

WHEREAS, the County and the Developer have agreed that the County's share of the costs to construct the Road Improvements shall not exceed One Million Two Hundred Sixty-two Thousand Four Hundred Thirteen Dollars ($1,262,413.00); and

WHEREAS, approval of this Resolution is limited to a waiver of County competitive bidding requirements merely for the purpose of authorizing the County to enter into the cost sharing agreement, substantially in the form attached as Exhibit 1, and shall not be deemed approval of any development project or site development plan.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland, this_____ day of _____, 2019, pursuant to Section 4.106(e)(2) of the Howard County Code, it declares that the best interests of the County will be served by authorizing the County Purchasing Agent to waive the competitive bidding requirements of Subtitle 1, "Purchasing", of Title 4, "Contracts, Purchasing and Property", of the Howard County Code in order to allow the County to enter into an agreement with River Hill Square, LLC, a limited liability company formed in accordance with the laws of the State of Maryland and in good standing with the Maryland State Department of Assessments and Taxation, for the construction of road improvements at the intersection of Clarksville Pike (MD Route 108) and Sheppard Lane in accordance with the Sheppard Lane and Clarksville Pike Intersection Improvements Cost Sharing Agreement, substantially in the form attached as Exhibit 1.

AND BE IT FURTHER RESOLVED by the County Council of Howard County, Maryland that this waiver of competitive bidding requirements shall not be interpreted or construed as approval of any development project or site development plan.

Amendment 1 to Council Resolution No. 3-2019

BY: The Chairperson at the request of the County Executive

Legislative Day 3
Date: February 4, 2019

Amendment No. 1

(This amendment makes technical corrections to remove reference to specific capital projects and corrects a dollar amount.)

On page 1, in line 20, strike "Capital".

On page 1, strike line 21.

On page 1, in line 22, strike "Improvements, for" and substitute "<u>various projects within the County's Capital Improvement Program to fund</u>".

On page 2, in line 5, strike "Sixty-two" and substitute "<u>Ninety-six</u>".

On page 2, strike line 6, and substitute "<u>Thousand One Hundred Nine Dollars ($1,296,109.00); and</u>".

Fisher, Karina

From: Alan Schneider <ajs333@aol.com>
Sent: Monday, February 4, 2019 4:24 PM
To: Walsh, Elizabeth
Subject: Oppose CR3 Sheppard Lane proposed move. Move it towards the School

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Liz,

CR3 is wrong for many reasons, including;

1. It does not accept community input by the church, community leaders, and highway research. Your decision must be based on Community input, not the input from a few investors and their ability to obtain favorable opinions from county officials (this has been a huge problem in the past!)

2. The county highway engineer is wrong. He has been grossly wrong in the past. Knowledgeable people describe his input as "lies". More independent third party research and opinions from national highway experts is critical. A comprehensive look at projected growth on 108 is vital to the decision on the location of this intersection. You really need better input; better than the opinions which have disadvantaged Western Howard County over the last decade or two!

3.**Voters know that the planned Sheppard Rd intersection at 108 is substandard and is ill advised for Rt. 108 long range planning. One real danger is that school traffic from down Sheppard Lane would be driving on what is described as a roller coaster road. Take a stand for traffic planning that aligns with voters and NOT special interests.**

Alan Schneider
Thanks for all you! You are a beacon of hope!

Sayers, Margery

From: hildon.mathieu@starpower.net
Sent: Monday, February 4, 2019 7:06 PM
To: CouncilMail; Ball, Calvin
Subject: CR-3-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

The following argument for YOU TO VOTE **NO** ON CR-3-2019 or at least table the vote makes good sense to me -- first give proper consideration to **ALL** effects (good and bad) of the proposed realignment of Route 108 and Sheppard Lane. Thank you for working for us! H. Mathieu

Dear Members of the County Council,
I believe very strongly that what happens in one part of Howard County ultimately effects all parts of Howard County. Therefore there are times when I feel compelled to write you about matters which do not occur in my southeastern part of the County. CR-3-2019 dealing with the realignment of Sheppard Lane at Route 108 is just such a case.
Based on the citizen testimony I heard at the Council Legislative Hearing, DPW staff testimony at the Council Work Session, and additional independent research I urge you to VOTE NO on CR-3 for the following reasons (in no particular order or magnitude):

- No Pre-submission public meeting (or other process) was used to inform the public of this proposed action
- Similarly, local area schools close to the site received no form of notice
- There is NO Capital Budget project for this activity. Is this a means of circumventing that process?
- Taxpayers should not pay the cost of this project when those who benefit most are commercial concerns (Riverhill Garden Center/Square and the Erickson Senior Living development)
- Erickson offered/agreed repeatedly to pay for the necessary realignment and improvement of the intersection in return for extension of the Public Service Area previously. Why would we not hold them to that promise?
- Erickson vowed to make the intersection a 90 degree one for greater safety, not just the 65 -70 degree one proposed by the County
- At the work session, Mr. Irvin implied that our governmental bureaucracy is so inefficient that it adds much expense to a project, so therefore we should utilize a no-bid contractor instead. Is this skirting procurement procedures? Does it highlight the need for greater efficiency? For new departmental leadership?

- Mr. Irvin further implied that having to apply for permits to work in a stream or wetland would be a major inconvenience for the County to undertake. What???
- Mr. Irvin appeared to be implying that if this resolution doesn't pass, the US Post Office will not locate in Clarksville since the P.O. wants a signalized intersection. Surely this is not the last possible location fitting that qualification. This sounds like letting the Post Office hold improvements to Rt. 108 hostage.
- Allowing Erickson to develop 1400 units will further jeopardize safety both at this specific intersection and along Rt 108 in general. Keep in mind the proximity to RHHS and the many sleep-deprived inexperienced drivers rushing to class.
- Serious reconsideration should be given to denying extension of the Public Service Area. Despite empty assurances to the contrary, this extension can result in a domino effect of Ag Preservation parcels exiting the program.
- There appears to have been a waiver issued by the DPZ to Security Development which allows the multiple curves, *contrary to* the road design manual. Study of waiver approval is needed!
- The westward realignment of Sheppard Lane makes the single lane choke-point thru lane on MD108 eastbound at Sheppard PERMANENT and introduces traffic patterns that hinder traffic flow through the intersection.
- When legislation of this manner is introduced as a resolution rather than a bill it sends up red flags. As a resolution it is not subject to public referendum, denying citizens an opportunity to weigh in on matters of such importance.

There appears to be NO positive impact from CR-3 for local residents or for taxpayers. It is imperative to stop this kind of 'backdoor' deal which benefits particular commercial or development interests. Show that it is a new day under a new Council and that transparency and fiscal responsibility will prevail. Demonstrate that political contributions do not influence your votes. Think long range for the future of this County. Please Vote NO on CR-3.

Best regards,

Name: Hilda Mathieu
address: 13180 ROUTE 108, 20777

Sayers, Margery

From: Soon S. PARK <soonspark@gmail.com>
Sent: Sunday, February 3, 2019 10:58 PM
Subject: Vote NO on CR-3

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Members of the County Council,

Dear Members of the County Council,
I believe very strongly that what happens in one part of Howard County ultimately effects all parts of Howard County. Therefore there are times when I feel compelled to write you about matters which do not occur in my southeastern part of the County. CR-3-2019 dealing with the realignment of Sheppard Lane at Route 108 is just such a case. Based on the citizen testimony I heard at the Council Legislative Hearing, DPW staff testimony at the Council Work Session, and additional independent research I urge you to VOTE NO on CR-3 for the following reasons (in no particular order or magnitude):

- No Pre-submission public meeting (or other process) was used to inform the public of this proposed action
- Similarly, local area schools close to the site received no form of notice
- There is NO Capital Budget project for this activity. Is this a means of circumventing that process?
- Taxpayers should not pay the cost of this project when those who benefit most are commercial concerns (Riverhill Garden Center/Square and the Erickson Senior Living development)
- Erickson offered/agreed repeatedly to pay for the necessary realignment and improvement of the intersection in return for extension of the Public Service Area previously. Why would we not hold them to that promise?
- Erickson vowed to make the intersection a 90 degree one for greater safety, not just the 65 -70 degree one proposed by the County
- At the work session, Mr. Irvin implied that our governmental bureaucracy is so inefficient that it adds much expense to a project, so therefore we should utilize a no-bid contractor instead. Is this skirting procurement procedures? Does it highlight the need for greater efficiency? For new departmental leadership?
- Mr. Irvin further implied that having to apply for permits to work in a stream or wetland would be a major inconvenience for the County to undertake. What???
- Mr. Irvin appeared to be implying that if this resolution doesn't pass, the US Post Office will not locate in Clarksville since the P.O. wants a signalized intersection. Surely this is not the last possible location fitting that qualification. This sounds like letting the Post Office hold improvements to Rt. 108 hostage.
- Allowing Erickson to develop 1400 units will further jeopardize safety both at this specific intersection and along Rt 108 in general. Keep in mind the proximity to RHHS and the many sleep-deprived inexperienced drivers rushing to class.

- Serious reconsideration should be given to denying extension of the Public Service Area. Despite empty assurances to the contrary, this extension can result in a domino effect of Ag Preservation parcels exiting the program.
- There appears to have been a waiver issued by the DPZ to Security Development which allows the multiple curves, *contrary to* the road design manual. Study of waiver approval is needed!
- The westward realignment of Sheppard Lane makes the single lane choke-point thru lane on MD108 eastbound at Sheppard PERMANENT and introduces traffic patterns that hinder traffic flow through the intersection.
- When legislation of this manner is introduced as a resolution rather than a bill it sends up red flags. As a resolution it is not subject to public referendum, denying citizens an opportunity to weigh in on matters of such importance.

There appears to be NO positive impact from CR-3 for local residents or for taxpayers. It is imperative to stop this kind of 'backdoor' deal which benefits particular commercial or development interests.

Show that it is a new day under a new Council and that transparency and fiscal responsibility will prevail. Demonstrate that political contributions do not influence your votes. Think long range for the future of this County. Please Vote NO on CR-3.

Best regards,

Soon S. Park
6420 Richardson Farm ln
Clarksville, MD 21029

Sayers, Margery

From: Susan Garber <buzysusan23@yahoo.com>
Sent: Sunday, February 3, 2019 5:42 PM
To: CouncilMail
Cc: Ball, Calvin
Subject: Vote NO on CR-3

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Members of the County Council,

I believe very strongly that what happens in one part of Howard County ultimately effects all parts of Howard County. Therefore there are times when I feel compelled to write you about matters which do not occur in my southeastern part of the County. CR-3-2019 dealing with the realignment of Sheppard Lane at Route 108 is just such a case.

Based on the citizen testimony I heard at the Council Legislative Hearing, DPW staff testimony at the Council Work Session, and additional independent research I urge you to VOTE NO on CR-3 for the following reasons (in no particular order or magnitude):

- No Pre-submission public meeting (or other process) was used to inform the public of this proposed action

- Similarly, local area schools close to the site received no form of notice

- There is NO Capital Budget project for this activity. Is this a means of circumventing that process?

- Taxpayers should not pay the cost of this project when those who benefit most are commercial concerns (Riverhill Garden Center/Square and the Erickson Senior Living development)

- Erickson offered/agreed repeatedly to pay for the necessary realignment and improvement of the intersection in return for extension of the Public Service Area previously. Why would we not hold them to that promise?

- Erickson vowed to make the intersection a 90 degree one for greater safety, not just the 65 -70 degree one proposed by the County

- At the work session, Mr. Irvin implied that our governmental bureaucracy is so inefficient that it adds much expense to a project, so therefore we should utilize a no-bid contractor instead. Is this skirting procurement procedures? Does it highlight the need for greater efficiency? For new departmental leadership?

- Mr. Irvin further implied that having to apply for permits to work in a stream or wetland would be a major inconvenience for the County to undertake. What???

- Mr. Irvin appeared to be implying that if this resolution doesn't pass, the US Post Office will not locate in Clarksville since the P.O. wants a signalized intersection. Surely this is not the last possible location fitting that qualification. This sounds like letting the Post Office hold improvements to Rt. 108 hostage.

- Allowing Erickson to develop 1400 units will further jeopardize safety both at this specific intersection and along Rt 108 in general. Keep in mind the proximity to RHHS and the many sleep-deprived inexperienced drivers rushing to class.

- Serious reconsideration should be given to denying extension of the Public Service Area. Despite empty assurances to the contrary, this extension can result in a domino effect of Ag Preservation parcels exiting the program.

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There appears to be NO positive impact from CR-3 for local residents or for taxpayers. It is imperative to stop this kind of 'backdoor' deal which benefits particular commercial or development interests.

Show that it is a new day under a new Council and that transparency and fiscal responsibility will prevail. Demonstrate that political contributions do not influence your votes. Think long range for the future of this County. Please Vote NO on CR-3.

Best regards,

Susan Garber

District 3

Sayers, Margery

From: David/Kristina Elsaesser <elsaessers@gmail.com>
Sent: Monday, February 4, 2019 8:46 AM
To: CouncilMail
Subject: Comments on CR-3 at Work Session Discussion // Why you should not vote in favor of CR-3

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear County Council,

In light of your Work Session Discussion with Mr. Jim Irvin I offer the following additional testimony:

---- WITH REGARD To the ERICKSON CCRC ZONING Case -----

If you approve CR-3 you will be acknowledging and endorsing part of the Erickson CCRC Community Enhanced Floating (CEF) District rezoning request. Erickson's concept plan delivered to the previous county council was that it would move Sheppard Lane into the configuration shown in CR-3 for the benefit of the community.

In fact, that is still the plan, because the Limestone Valley Farm has not yet conveyed the land required to move Sheppard Lane to Howard County, and it likely will not do so until the CEF is approved. If you support CR-3 you will endorsing part of the CEF. In addition, if you indicate in public work sessions that you are likely to support the CR-3 action in order to enable a Post Office at River Hill Square you are indicating a preference for this part of the CEF proposal.

It is my intention to testify at the Zoning Hearing for the Erickson CEF that the proposal to move the Sheppard onto Limestone Valley is NOT A COMMUNITY ENHANCEMENT. You should not be deciding that issue here before you hear my testimony. If you do so you would be taking a position on the CEF proposed zoning without having the all the facts presented.

---------- With Regard to the IMPACT of Moving Sheppard Lane ----------

There are 2 major problems with moving Sheppard onto the Limestone Valley Farm.
a) It introduces substandard curvature into Sheppard Lane and **DEFACTO decreases its safety** ... while NOT substantially improving the angle it makes with MD108
b) **BIGGEST PROBLEM:** It will prevent the county from fixing the single lane bottleneck at Sheppard on MD108 eastbound that causes nearly a mile long back ups during morning and evening commutes. It will make that situation worse because it will add at least 2 extra phases tot the light at Sheppard Lane!

The plan to move Sheppard onto Limestone Valley Farm via F-18-099 was HIDDEN FROM THE COMMUNITY. There was no public meeting on this drastic change to our roads. The COMMUNITY did not have a chance to address concern on this critical intersection in OUR SCHOOL ZONE!

Mr. Irvin said that moving Sheppard Lane to the east onto the existing Right Of Way would also require Design Manual Waivers due to the stream ... but that is not true ... it could be done MUCH CHEAPER than $1.3 Million and it could avoid the 100 ft flood plain buffer of the stream.

Moving Sheppard to the East would alleviate the 2 problems cited above.

If the DPW and DPZ wanted to serve the citizens of Howard County, as opposed to a single developer, they would be working with developers to enhance the SAFETY and THROUGHPUT of our roads.

As representatives of the people you should insist that DPZ/DPW use some of the $1.3M they have to hire an independent engineering firm to assess the BEST WAY to realign Sheppard Lane for the PEOPLE of HOWARD COUNTY and not for a single developer.

----------POST OFFICE ----------

The County should NOT be moving a county road for a particular tenant at the River Hill Square Development, i.e., the Post Office.

You should NOT be asking citizens of Howard County whether or not they want a POST OFFICE ... you should be asking whether whether they would be willing have worse traffic and a substandard road every day of the year in order to provide a nearby post office that they may only need to visit very infrequently.

With regard to the requirements for a Post Office in River Hill/Clarksville:

- The UPS store in the River Hill Village officers Mailbox Services (essentially, p.o. boxes with a street address) many other mail and shipping services that are in certain ways superior than those of a post office.
- If folks need to send a Certified Letter ... they can drive 2 miles/5 minutes to the the Post Office in Highland.
- If the plan by the USPS to move open a Post Office at RHS is that tenuous and requires immediate action, then perhaps that is because there is not a good case for putting the Post Office at the RHS or because the USPS is looking at other potential superior sites (such as the vacated Ruby Tuesday building in the River Hill Village Center, which has been vacant for several months.)

Sincerely,

// signed //

David W. Elsaesser
5737 Whistling Winds Walk
Clarksville, MD 21029

CR 3 - 2019 ✓

Sayers, Margery

From: Sonny Goel <sonny.goel@gmail.com>
Sent: Thursday, January 24, 2019 10:49 PM
Cc: CouncilMail; Ball, Calvin
Subject: Opposition to CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members,

Many thanks for giving me an opportunity to speak out against this proposal on Tuesday evening.
This very tight space has several needs:
1. Traffic light at corner of 108 and Linden Linthicum Lane
2. Traffic light and correct 90 degree alignment of Shepherds Lane to 108
3. Development of a retirement community
4. Development of the River Hill Garden Center parcel.

All four of these needs above can be achieved to the benefit of all the local residents and developers. There really is no reason to be at odds here. The problem is that the developer is asking for a road change that would:
1. Not allow for a light at Linden Linthicum Lane (LLL) - currently, drivers struggle to make a left turn onto 108 from LLL, or from LLL to 108 - in either direction
2. Limit the number of lanes on 108 such that there will continue to be a choke point there. For you information: I have started to drive home from 32/Great Star Drive via Trotter Road because 108 is so backed-up.
3. Create a road path from 108 to Shepards Lane that is not the best option (windy and over a hill) for residents living down Shepherds Lane (Walnut Grove, Walnut Creek) and other communities down Folly Quarter that use this route
4. Involve taxpayer dollars for a project we were told would not require public capital expenditures which is why they kept it out of the purview of public disclosure.

Please note that not a single homeowner who lives near this proposed site (Including the Church and cemetery) is in favor of this.. Every HOA in the surrounding area is against this. I understand that this project falls squarely in the "jurisdicition" of Council Members Jung and Yungman, but each of the Council Members and HoCo Executive Ball need to vote to approve or decline this project.

Please do what is in the best long term interests of this community where I have lived for nearly 20 years.

Thanks so much for taking the time to read this email.

Sincerely,

Sonny Goel, MD
11819 Shepards Xing, Clarksville, MD 21029

On Tue, Jan 22, 2019 at 5:04 PM David/Kristina Elsaesser <elsaessers@gmail.com> wrote:

Dr. Calvin Ball, Howard County Executive,

Howard County Council Members:
Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung, David Yungman

Concerned Howard County Citizens BCCed:

Please review the details of my opposition to CR-3 2019, which is attached to this email in the link below.

If you haven't already expressed your opinions to our county leaders concerning development on MD108 and how developers are moving county roads for their purposes to the detriment of our safety and increased congestion on MD108 please reply to all and express your concerns.

Attached here: Elsaesser Opposition to CR-13 2019 is the detailed explanation and written testimony of my opposition to CR-3 2019.
I have signed up to speak on this issue at the County Council Meeting.

Last week I attended one of Dr. Calvin Ball's Listening sessions at Centennial H.S. and and spoke out about the issues in the paper.

I am opposed to the plan to realign Sheppard to the west and to the expenditure of any capital funds (including $1.26 Million) for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound.

This action to drastically realign our road is being taken without any public meeting to present it before it was developed and approved by DPZ.

Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

If Howard County has $1.3M available to allocate for road construction in River Hill you should give community members input on how that money would be spent. Moving Sheppard lane to the east as I have suggested would be much less expensive than the complex and defective intersection identified in CR-3 2019. At a minimum the county should fund its own independent engineering analysis at a fraction of this cost to obtain an unbiased determination on the best way to re-engineer Sheppard Lane and MD108, as opposed to turning over all this money to a developer that reached the conclusion benefiting themselves.

Hopefully our new County Council and County Executive will reverse this ill-informed decision from the previous administration.

Sincerely,

David W. Elsaesser
5737 Whistling Winds Walk, Clarksville, MD 21029

Sayers, Margery

From: Susan Gray <susan@campsusan.com>
Sent: Tuesday, January 29, 2019 12:34 PM
To: CouncilMail
Cc: Susan Gray; Rigby, Christiana
Subject: Additional testimony CR 3 2019 Part 1
Attachments: Council letter CR 3 2019 Final.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please find additional testimony on CR 3 2019. The attachment referenced in this document (identified as Part 2) ill be sent as a separate e-mail.

Susan Gray
6510 Paper Place
Highland, Maryland 20777
January 29, 2019

Dear Councilmembers:

Please accept the following additional testimony on CR 3 2019.

Point 1: The documents below show that since Erickson began submitting proposals for the Erickson CCRC in 2017, the plans consistently have shown the realignment of Sheppards Lane and the construction of a Public Access Road (portion of western Clarksville Bypass) as two of the "Community Enhancements" that are part of the Erickson project and **are projects that Erickson is paying for.** (Note: these materials reflect only some of the times Erickson has stated that these road improvements are part of its project or are paying for the improvements). The information bolded is most important and succinct.

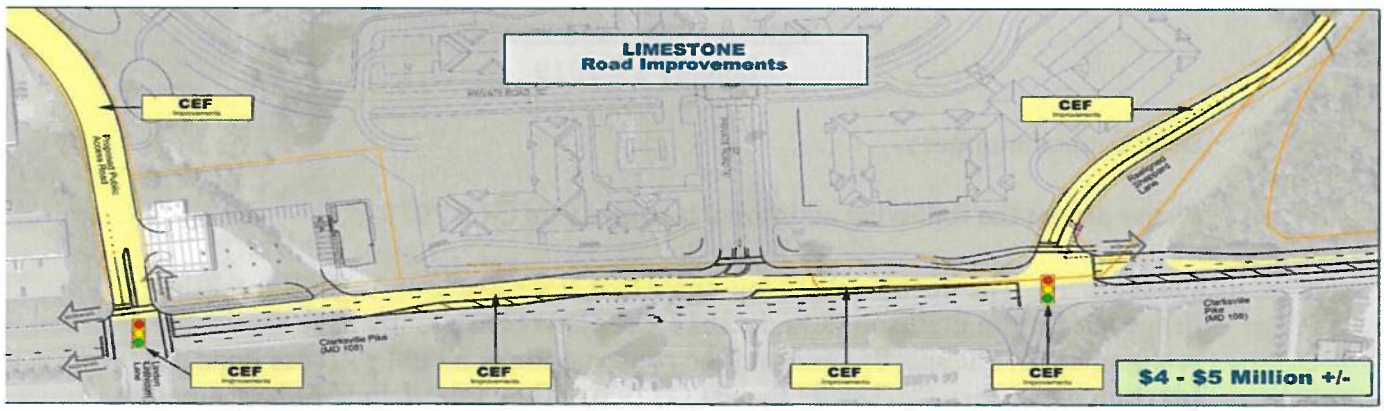
1. Design Advisory Panel: Erickson 11/16/2017 submission (DAP 17-15)

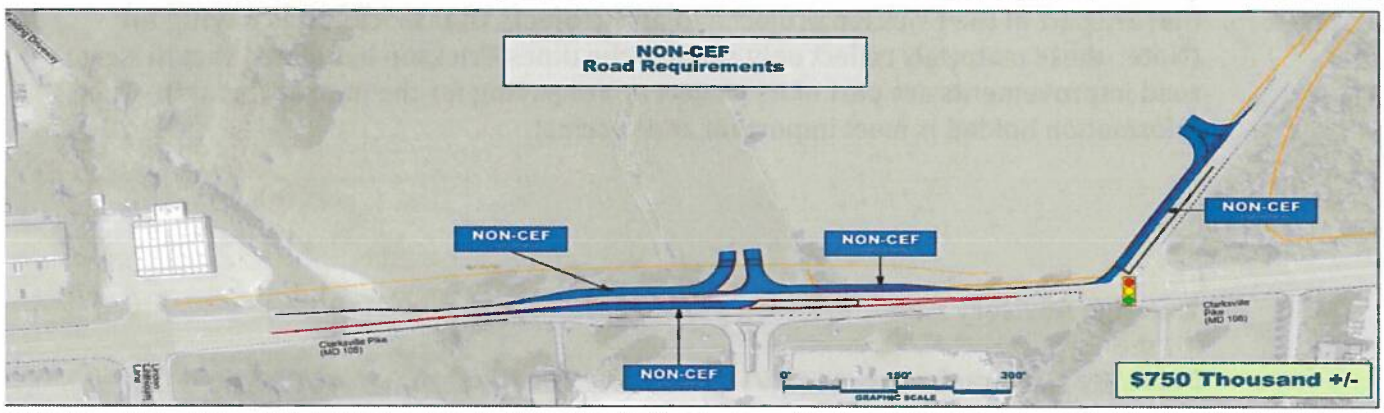
https://www.howardcountymd.gov/LinkClick.aspx?fileticket=yfrYzgl_wBY%3d&portalid=0

Pages 39 & 41 show Sheppards Lane realignment and widening; specify that Erickson will build these improvements as CEF Enhancement; and state that such improvements will not be built w/o approval of Erickson project. The documents further indicate these road improvements are part of the 4 to 5 million dollar CEF road improvements the County would not get without the approval of the Erickson project.

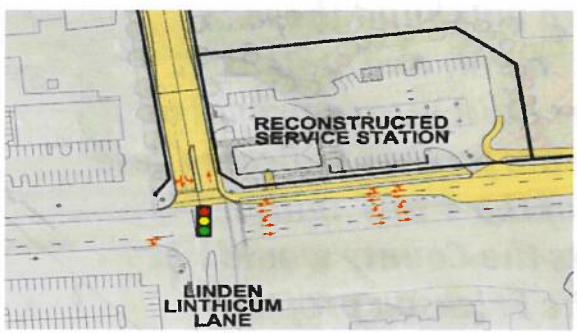
(see images below)

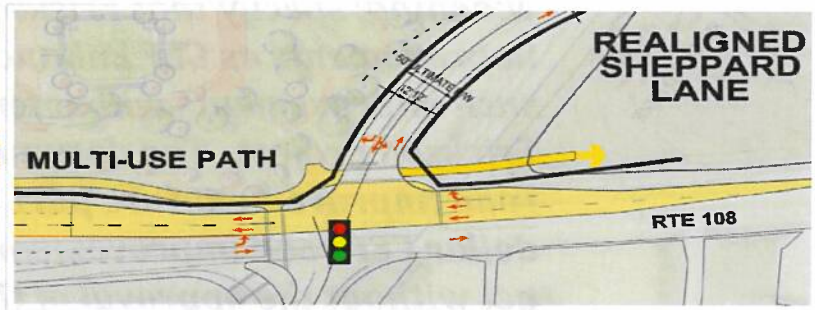
Community Enhancements: Traffic





Community Enhancements: Traffic





Intersection	Required APF Improvements *for 1200 CCRC + 240 ALF units*	Proposed CEF Improvements *for 1200 CCRC + 240 ALF units*	Benefits and Enhancements
MD 108 at Linden Linthicum Lane	None Required - Linden Linthicum Lane is classified as a Local Road and would be exempt from APF Requirements	Construct Proposed Public Access Road	This road will not only provide access to the site, but will also permit potential connectivity at a signalized intersection to MD 108 for Clarksville Commons and other retail developments.
		Install signalization	Signalization will allow existing homeowners and business customers easier access to MD 108.
		Provide Additional Thru Lanes to the East	Widening of MD 108 will enhance traffic operations for all roadway users.

Intersection	Required APF Improvements *for 1200 CCRC + 240 ALF units*	Proposed CEF Improvements *for 1200 CCRC + 240 ALF units*	Benefits and Enhancements
MD 108 at Sheppard Lane	Widening of Sheppard Lane to provide 2 lanes approaching MD 108	Provide a Continuous Left Turn Lane along EB MD 108	The extension of the existing left turn lane will enhance operations along MD 108 by eliminating the blocking of thru traffic that occurs today
		Realign the intersection	Safety and operations are enhanced with an intersection that is closer to perpendicular
		Widen Sheppard Lane to provide 2 lanes approaching MD 108	This improvement will allow right turning traffic more efficient access to MD 108.
		Provide an additional lane along WB MD 108	This improvement will allow westbound traffic to move efficiently proceed through the Sheppard Lane intersection.

Page 36 says Erickson project is proposing realignment and widening of Sheppards Lane (in manner of that shown in CR3-2019).

Community Enhancements

In addition to providing a truly integrated continuing retirement community for seniors of Howard County, the Applicant is proposing a number of significant Community Enhancements. The proposed transportation enhancements provide much needed infrastructure improvements aimed at alleviating existing issues relating to traffic congestion, signalization, and safety along this section of Route 108- Clarksville Pike. The proposed Streetscape enhancements reflect the first step in the implementation of the Clarksville Pike Streetscape Plan and Design Guidelines

Proposed Streetscape Enhancements

- New multi-use pathway along Route 108
- Development of a new public linear park with bench/ seating areas
- Creation of a public dog park
- Creation of a new public playground
- Possible improvements to pedestrian connectivity north and south of the subject site (pending right of way availability and State/County approval)

Proposed Transportation Enhancements

- Clarksville Pike road widening to improve capacity and turning movements
- Realignment of Sheppard Lane to improve safety
- Widen Sheppard Lane to provide two lane approach to Clarksville Pike
- Install signalization at intersection of Clarksville Pike and Linden Linthicum Lane
- Construction of a new public access road on southern boundary of the site with the ability to connect to adjoining commercial properties
- Provide synchronization and interconnection of traffic signals on Clarksville Pike

For additional info, see: Pages 16, 17, 24, 25, 27 show Sheppards Lane realignment and Public Access Road (part of western Clarksville bypass) as part of the Erickson project.

2. Design Advisory Panel: Erickson 11/16/2017-1/04/2018 submission (DAP 18-03)
https://www.howardcountymd.gov/LinkClick.aspx?fileticket=z9JADAg3dI8=&portalid=0

Pages 16, 24,27, and last page of document shows Sheppards Lane realignment and Public Access Road (part of Clarksville Bypass) are part of Erickson project.

3. Design Advisory Panel: Final Erickson Presentation 1/24/18 (DAP 18-03)
https://www.howardcountymd.gov/LinkClick.aspx?fileticket=WXhTFTR0R54=&portalid=0

All depictions of road network show Sheppards Lane realignment and Public Access Road (part of Clarksville Bypass) are part of the Erickson project.

4. April 19, 2018 Technical Staff Report for CB 59-2018 to amend General Plan to extend the PSA to Erickson and gas station properties, as well as Erickson's initial application dated July 28, 2017 and related letter of same date from Steven Montgomery, Erickson VP.
https://www.howardcountymd.gov/LinkClick.aspx?fileticket=TIRo4JgXChk%3d&portalid=0

a) Technical Staff Report

Pages 13 and 18 of this document show realignment and widening of Sheppards Lane and construction of Public Access Road (part of Clarksville Bypass) as part of the Erickson Project.

Page 15 lists the specific road improvements to be provided by Erickson. Both the Sheppard's Lane realignment and widening, and the construction of a portion of the western bypass (Public Access Road) are improvements listed.

TECHNICAL STAFF REPORT

April 19, 2018

Planning Board Meeting of March 29, 2018
County Council Hearing to be scheduled

Case No./Petitioner: GPA 2018-01/Council Chairperson at the Request of Erickson Living Properties II, LLC

To implement these policies the DCP proposes the following transportation improvements to Clarksville Pike, Sheppard Lane, and new public road that could be extended in the future: (see Fig. 11):

"Streetscape/Pedestrian/Bicycle Improvements:
Route 108 Corridor frontage

- *Construct multi-use pathway, connecting crosswalks, gathering areas and landscape in accordance with the Clarksville Pike Streetscape and Design Guidelines*
- *Potential multi-use path extensions both north and south of the Site*

Road Improvements:
Route 108 Corridor, west of Linden-Linthicum Lane

- *Construct a public access road with the potential to connect to adjoining commercial properties to the west of the site, providing signalized access for these properties to Route 108.*

Linden Linthicum Lane at intersection with Route 108

- *Provide funding for signalization at the intersection with Route 108 when approved by SHA;*
- *Convert the eastbound and westbound turn lanes to a shared through/right lanes;*
- *Provide additional lanes on the east side of the intersection.*

Access to Site

- *Install a separate, dedicated left turn lane from Route 108 into the site;*
- *Provide an acceleration lane for vehicles exiting west from site onto Route 108;*
- *Install channelization to restrict exiting left turns from the site onto Route 108;*
- *Install a deceleration lane for traffic entering the site from the east.*

Sheppard Lane

- *Provide a continuous eastbound left turn lane on Route 108;*
- *Realign the intersection at Route 108 to improve safety;*
- *Widen Sheppard Lane to provide two lanes at the approach to Route 108;*
- *Widen the westbound approach to provide two through lanes and a right turn lane along Route 108;*
- *Provide traffic signal interconnections from Sheppard Lane to the Route 32 interchange.*

b) Erickson's July 28, 2017 "Initial Submission Development Concept Plan.

Pages DCP 4, 7, 10, 11, 12, 13 show the realignment of Sheppards Lane and the construction of a Public Assess Road (portion of western bypass) as part of Erickson project.

c) July 28, 2017 letter from Erickson's Steven Montgomery accompanying above submission.

Page 4 of 9 lists the road improvements Erickson will build if its project is approved. They include the Sheppard's Lane realignment and Public Access Road (portion of western bypass).

Under the Applicant's proposed CEF District, all of these underutilized subject properties are aggregated and integrated into a single connected design which allows for these sites to be developed to a more appropriate and socially beneficial use while simultaneously allowing the Applicant to provide Community Enhancements under Section 121.0.G far in excess of those which would be possible without the implementation of the flexible standards of the CEF District. Specifically, the Applicant is proposing the following as Community Enhancements:

Streetscape Enhancements:

- Streetscape enhancements along the entire frontage of Route 108 in accordance with the Clarksville Pike Streetscape Plan and Design Manual, including, but not limited to, a multi-use pathway with connecting crosswalks, seating areas, and flowering and shade trees.

Transportation Enhancements:

- Route 108 Corridor, west of Linden-Linthicum Lane
  - (i) Construct Public Access Road with the potential ability to connect to adjoining commercial properties to the west of the Site to provide a signalized access to such properties to Route 108.
- Linden Linthicum Lane at intersection with Route 108
  - (i) Provide funding for signalization at intersection with Route 108 when approved by SHA;
  - (ii) Convert the eastbound and westbound turn lanes to a shared thru/right lanes;
  - (iii) Provide additional lanes on east side of the intersection.
- Access to Site
  - (i) Install a separate dedicated left turn lane from Route 108 into Site;
  - (ii) Provide an acceleration lane for vehicles exiting west from site onto Route 108;
  - (iii) Install a channelization to restrict exiting left turns from the Site onto Route 108;
  - (iv) Install a deceleration lane for traffic entering the Site from the east;
- Sheppard Lane
  - (i) Provide continuous eastbound left turn lane on Route 108;
  - (ii) Realign intersection at Route 108 to improve safety;
  - (iii) Widen Sheppard Lane to provide 2 lanes at the approach to Route 108;
  - (iv) Widen the westbound approach to provide two thru lanes and a right turn lane along Route 108;
  - (v) Provide traffic signal interconnection from Sheppard Lane to the Route 32 interchange.

Page 4 of 9

On page 5 of 9, Mr. Montgomery notes the connection between these improvements and approval of the Erickson project. He states:

The Community Enhancements set forth above would not be possible but for the implementation of the integrated proposal set for (sic) in the Applicant's proposed CEF District and are proportionate to the scale of the development proposed by Applicant hereunder.

Point 2: I am also sending under separate cover a copy of Erickson's June 27,

2018 document SUMMARY EVALUATION, FISCAL AND ECONOMIC EFFECTS, ERICKSON LIVING AT LIMESTONE VALLY, BY ERICKSON LIVING IN HOWARD COUNTY, MARYLAND. In this document, Erickson does its fiscal analysis of the project assuming the entire project was completed in 2018. (Note in particular the highlighted text on pages 22 and 23 of report). There is no discussion of infrastructure costs or who pays for such things as roads, other transportation improvements, and water and sewer facilities. CR3 2019 puts the burden for at least one Erickson improvement—the realignment of Sheppards Lane-- on the taxpayer. As seen by the prior use of the River Hill nursery, that property does not require the realignment of Sheppards Lane to use it as a commercial endeavor. The documents referenced above, as well Erickson's extensive public statements as to what "Enhancements" it will provide in exchange for CEF approval, clearly reveal that the Erickson project (and the cabal of those associated with it either directly or indirectly) is the primary beneficiary of the Sheppards Lane realignment. Are we now to see similar resolutions or capital projects to pay for Erickson's other infrastructure needs—for example the additional water storage facility already identified as being required because of the project.... the proposed Public Access Road....possible increases in capacity of the waste water treatment plant and/or off-property sewage transmission lines?

Point 3: I also reference the 1987 Court of Appeals case: *Inlet Associates v. Assateague House Condominium Ass'n*, 545 A.2d 1296, 313 Md. 413 (Md., 1987). It is the seminal Maryland case regarding the use of bills and resolutions. Our County Charter requires all "legislative acts" (with minor exceptions not relevant here) including changes to the General Plan and Zoning Text and Regulations to be passed by original bill, thus making the Council's actions subject to referendum if the requisite number of signatures are secured. Resolutions cannot be taken to referendum. CR 3 is impermissible because at a minimum it thwarts Howard Countians' right to veto the effective changes which will be made to the General Plan by providing for the third party realignment of Sheppards Lane and the constructing part of the Clarksville Bypass—two major changes to the road network that are not on the current General Plan.

Point 4: If the Council approves CR3 2019 and commits the County to spending up to 1.26 million dollars for infrastructure for the Erickson project before approving its requested CEF zoning, how can one ever suggest that a subsequent rezoning hearing could be unbiased?

I know some of the above information may be redundant, particularly in showing that the Sheppards Road realignment is a critical element of the Erickson project and that Erickson, to get approval of the PSA extension last summer, committed to funding and building it. Nonetheless, I hope the information is helpful.

Respectfully submitted,

Susan Gray

Sayers, Margery

From: Susan Gray <susan@campsusan.com>
Sent: Tuesday, January 29, 2019 12:36 PM
To: CouncilMail
Cc: Susan Gray; Rigby, Christiana
Subject: Attachment (Part 2) to Testimony on CR 3 2019
Attachments: CB59-2018 written testimony fiscal analysis.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please find Part 3

Sayers, Margery

From:	Erskine, William <werskine@offitkurman.com>
Sent:	Friday, July 06, 2018 8:53 AM
To:	CouncilMail
Subject:	Council Bill No. 59-2018 Fiscal Impact Analysis of Erickson Living Continuing Care Retirement Community
Attachments:	Erickson Howard County Revised 06272018.pdf

Dear Council Members:

Attached please find a fiscal impact analysis relating to the Erickson Living Continuing Care Retirement Community proposed to be located in Clarksville. In preparing this analysis, Erickson has directed its consultant to evaluate the proposal based upon a pro rata cost basis as opposed to only using a marginal cost basis. We understand that the use of pro rata costs is a more conservative method of evaluating the fiscal impact to a local jurisdiction.

You will note that the proposed Erickson Living Continuing Care Retirement Community yields a positive estimated net fiscal impact to Howard County in excess of $4MM per year in perpetuity.

William E. Erskine

Principal

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SUMMARY EVALUATION

FISCAL AND ECONOMIC EFFECTS

ERICKSON LIVING AT LIMESTONE VALLEY

BY

ERICKSON LIVING

IN

HOWARD COUNTY, MARYLAND

Richard B. Reading Associates
Princeton, New Jersey

June 27, 2018

TABLE OF CONTENTS

FISCAL IMPACT SUMMARY

- Erickson Living proposes to develop a campus style Continuing Care Retirement Community (CCRC) a 61.0+/- acre tract of land in Howard County, Maryland. The proposed CCRC would contain independent living, assisted living and skilled nursing units in a series of linked neighborhoods/facilities consisting of multiple mid-rise residential buildings which will surround shared community buildings.

- Projections prepared by the Maryland Department of Planning and adopted by Howard County indicate a significant future increase in the number of persons aged 65 or older living in the County. As of the Census of 2010 were 29,045 persons aged 65 or older living in the County, with projected increases to 50,050 persons in 2020 and 72,330 persons in 2030. The 2030 projected total of 72,330 persons aged 65 or older is nearly four times the total number of persons in that age group living in the County in 2000, and the anticipated rate of population growth for this group from 2010 to 2030 is 2,164 persons per year, a level 2.8 times the rate recorded from 1980 to 2010.

- Approximately 1,200 independent living units are to be built within the proposed CCRC and will include one-bedroom and two-bedroom units. In addition to the independent living units, the campus will also contain assisted living, skilled nursing, and memory care units. This portion of the community is to be built in phases based upon the need for assisted living, skilled nursing, and memory care units. It is expected that at build-out, there will be approximately 240 assisted living units and skilled nursing beds, including specialized units to care for Alzheimer's patients. At completion the proposed development would be expected to have a resident population of approximately 1,700 persons.

- An assessed value of $260,400,000 is estimated for the proposed retirement community, equal to a 0.49 percent increase in Howard County's current total real property valuation of $53.1 billion.

- Erickson Living will provide a full range of services for the residents of the proposed development, including first response/medical aid, security, road maintenance, street lighting and social services, all of which are services which are typically provided by local or regional government units for the benefit of their respective constituents. The self contained nature of the development coupled with the broad range of services provided within the community will minimize the reliance by the residents of the proposed development upon the resources of Howard County.

- The methodology used in preparing this fiscal evaluation assumes that the proposed development was complete, in operation, assessed and taxed during the most recent calendar year. This assumption hypothesizes that the development had been in place during 2018. By preparing this analysis on a current (2018) basis, actual cost and revenue data for Howard County may be utilized, and many factors subject to speculation, such as future property values, future tax rates, future County government and school appropriations and the influence of other prospective developments in the County may be avoided.

- Utilizing the proportional appropriations observed in Howard County, local tax supported costs of between $1,481,600 and $2,755,610 have been allocated to the proposed development. The upper limit of the estimated added costs of $2,755,610 would indicate that County appropriations would be expected to increase by less than 0.25 percent in order to maintain the same level and quality of services to the County's existing properties. This information is further detailed on pages 24-29 of this analysis.

- The tax revenues which the County would have received for local purposes had the proposed development been completed and occupied during 2018 have been calculated to amount to $6,870,588. The anticipated revenues resulting from the proposed CCRC ($6,870,588) are 2.5 times the anticipated annual service costs ($2,755,610), and yield an annual revenue surplus of $4,114,978. This information is further detailed on pages 29-31 of this analysis.

- The proposed CCRC is a retirement community with residents in their 60's and older. Accordingly, the proposed CCRC will not generate children to be educated by the County's public schools or place demands on the County's park and recreation facilities to the degree that traditional family housing would.

INTRODUCTION

The ensuing Summary Evaluation has been undertaken on behalf of Erickson Living to provide an assessment of the anticipated fiscal and economic effects resulting from the development of a Continuing Care Retirement Community (CCRC) on a 61.0+/- acre tract of land situated in the south-central (Clarksville) portion of Howard County in central Maryland. The data and evaluations contained on the following pages describe the nature and magnitude of the planned development and calculate the added cost of tax supported services resulting from the new development as well as the additional tax revenues expected to be generated by the project.

The research and analysis undertaken herein provide information whereby changes in services and facilities necessitated by the proposed community can be accomplished smoothly, with foresight, and without interruption of existing operations. Of particular concern in the following evaluation is detailed information pertaining to:

a) the economic base and fiscal infrastructure of Howard County;

b) the nature, scope and magnitude of the proposed development; and

c) the fiscal impact of the development upon County government and school operations.

ECONOMIC BASE AND FISCAL TRENDS

Before proceeding to the project description and the estimate of the net fiscal impact associated with the development and occupancy of the proposed CCRC, a review of the existing economic base and fiscal structure of the County will provide a useful insight into the cost/revenue relationships to be assessed. The County is centrally located within Maryland and is part of the greater Washington, DC-Baltimore metropolitan area, and is surrounded by the Maryland counties of Anne Arundel, Baltimore, Carroll, Frederick, Montgomery, and Prince George's. Howard County's location within Maryland as well as the immediately surrounding area is shown on Figure 1.

Howard County includes approximately 253 square miles of land area, and as such is the second smallest of Maryland's twenty-three counties, though it is the fifth most populous of the State's counties. A very significant portion of the County's land area and housing base is located within Columbia, a planned community developed by the Rouse Company dating back fifty years. The proposed CCRC is to be located in the unincorporated Clarksville section of Howard County. It is the County government that provides essential government services and public school education to the residents and businesses in Howard County. The County also implements long range planning initiatives that coordinate the County's planning, zoning, facilities, open space and other cultural and historic plans and programs.

Howard County was established in 1851 when the former Howard District, a governmental part of Anne Arundel County, became a separate county. Several small towns were established within Howard County during the 19th century but development remained sparse through the 1960's when the Rouse Company assembled several land parcels and began developing its master planned development of Columbia. During the past several decades the County has been in transition with significant increases in population and development occurring as a result of developing commutation patterns and the suburbanization of the Washington -Baltimore metropolitan area.

FIGURE 1

Howard County, Maryland

Population and Housing

In 1900, the County contained a total population of 16,715 persons, a figure that increased only moderately over the next half century with a population total of 23,119 persons reported in 1950. By 1960, the County's population amounted to 36,152 persons and since 1960 the County's population base has increased significantly while the County has increased its share of the state's resident population. Population totals for Howard County were 61,911 persons in 1970; 118,572 persons in 1980; 187,328 persons in 1990, 247,842 persons in 2000 and 287,085 persons in 2010. The significant population increases in the County in recent years are expected to continue for the immediate future. Recent projections prepared by the Maryland Department of Planning and provided by the Maryland State Data Center indicate the anticipation of significant population increases in the next few decades with an anticipated 2020 population within the County of 332,250 persons and with further increases to 357,100 persons by 2030 and 366,350 persons by 2040. It is projected that there will be nearly three times as many people living in the County in 2020 as there were in 1980. These trends and projections are set forth below.

Howard County Population Trends and Projections

1900	16,715	1970	61,611
1910	16,106	1980	118,572
1920	15,826	1990	187,328
1930	16,169	2000	247,842
1940	17,185	2010	287,085
1950	23,119	*2020*	*332,250*
1960	36,152	*2030*	*357,100*
		2040	*366,350*

As may be determined from the table above, the rate of population growth in the County was 56.4 percent during the 1960's, and amounted to 70.4 percent in the 1970's, 95.5 percent in the 1980's, 58.0 percent in the 1990's, 32.3 percent in the 2000's, and 15.8 percent during the 2010's. Since 1980 the County has averaged a net annual population increase of 4,213 persons and is

expected to increase by 3,501 persons per year from 2010 to 2030. The average household size in Howard County has decreased over time, averaging 2.97 persons per household in 1980 and 2.74 persons per household in 2015.

At the time of the 2010 Census, there were 287,085 persons living in Howard County including 284,763 persons living in 104,749 of the County's 109,282 total housing units and 2,332 persons living in group quarters. Owner occupancy was the dominant form of tenure, with an estimated 105,360 (73.6 percent) homes being owner occupied while 24.6 percent were renter-occupied. Single family "detached" housing units represented 53.8 percent of all housing units within Howard County with single family "attached" homes representing an additional 19.9 percent of the County's housing units. The median housing value of owner occupied housing units in the County was $415,400, a level 37.8 percent higher than the Maryland median housing value of $301,400. Of the County's 104,749 occupied housing units at the time of the 2010 Census, it is estimated that 42.5 percent of all households had been moved into by their residents since 2005 and 62.3 percent of the homes in the County had moved into by the householder since 2000. Detailed 2010 Census population data for the county is provided as Table 1, and detailed 2010 Census housing data for the county is provided as Table 2. Comparable date for the State is provided as Tables 3 and 4.

At the time of the 1970 Census, the portion of the County's total population represented by persons aged 65 and older was 5.4 percent with a total of 3,327 persons in that age cohort. By 1980 the number of persons aged 65 or older in Howard County had nearly doubled to 6,081 persons representing 5.1 percent of the County's total population. This age group was reported to have increased to a total of 11,330 persons in 1990 with an additional increase to 18,468 persons by 2000 when persons aged 65 or older represented 7.5 percent of the total population of Howard County. The 2010 Census reports a total of 29,045 persons aged 65 or older living in Howard County, representing 10.0 percent of the County's population. From 1970 to 2010 the number of persons aged 65 or older living in Howard County increased nearly ninefold and increased as a share of the total population from 5.4 percent to 10.0 percent. Projections prepared by the Maryland Department of Planning in its July 2014 Demographic and Socio-Economic Outlook indicate the expectation of a significant increase in the number of persons aged 65 or older living in the County.

HOWARD COUNTY, MARYLAND
2010 CENSUS

TABLE 1

Subject	Number	Percent
SEX AND AGE		
Total population	287,085	100.0
Under 5 years	17,363	6.0
5 to 9 years	20,597	7.2
10 to 14 years	22,451	7.8
15 to 19 years	20,352	7.1
20 to 24 years	14,727	5.1
25 to 29 years	17,729	6.2
30 to 34 years	17,632	6.1
35 to 39 years	19,716	6.9
40 to 44 years	23,157	8.1
45 to 49 years	26,164	9.1
50 to 54 years	23,421	8.2
55 to 59 years	19,178	6.7
60 to 64 years	15,593	5.4
65 to 69 years	10,778	3.8
70 to 74 years	6,846	2.4
75 to 79 years	4,823	1.7
80 to 84 years	3,454	1.2
85 years and over	3,152	1.1
Median age (years)	38.4	(X)
18 years and over	221,949	77.3
18 years and over	212,421	74.0
21 years and over	203,788	71.0
62 years and over	38,123	13.3
65 years and over	29,045	10.1

HOUSEHOLDS BY TYPE		
Total households	104,749	100.0
Family households (families) [7]	76,333	72.9
With own children under 18 years	38,764	37.0
Husband-wife family	61,671	58.9
With own children under 18 years	30,677	29.3
Male householder, no wife present	3,639	3.5
With own children under 18 years	1,756	1.7
Female householder, no husband present	11,023	10.5
With own children under 18 years	6,331	6.0
Nonfamily households [7]	28,416	27.1
Householder living alone	22,900	21.9
Male	9,640	9.2
65 years and over	1,810	1.7
Female	13,260	12.7
65 years and over	4,944	4.7
Households with individuals under 18 years	41,154	39.3
Households with individuals 65 years and over	21,144	20.2
Average household size	2.72	(X)
Average family size [7]	3.2	(X)

HOWARD COUNTY, MARYLAND
2010 CENSUS

TABLE 2

HOUSENG OCCUPANCY		
Total housing units	109,282	100.0
Occupied housing units	104,749	95.9
Vacant housing units	4,533	4.1
For rent	1,779	1.6
Rented, not occupied	107	0.1
For sale only	949	0.9
Sold, not occupied	336	0.3
For seasonal, recreational, or occasional use	418	0.4
All other vacants	944	0.9

HOUSING TENURE		
Occupied housing units	104,749	100.0
Owner-occupied housing units	77,193	73.7
Population in owner-occupied housing units	220,400	
Average household size of owner-occupied units	2.86	
Renter-occupied housing units	27,556	26.3
Population in renter-occupied housing units	64,363	
Average household size of renter-occupied units	2.34	

MARYLAND
2010 CENSUS

TABLE 3

Subject	Number	Percent
SEX AND AGE		
Total population	5,773,552	100.0
Under 5 years	364,448	6.3
5 to 9 years	360,868	6.4
10 to 14 years	379,029	6.6
15 to 19 years	406,241	7.0
20 to 24 years	393,698	6.8
25 to 29 years	393,548	6.8
30 to 34 years	368,494	6.4
35 to 39 years	377,409	6.5
40 to 44 years	418,163	7.2
45 to 49 years	461,585	8.0
50 to 54 years	440,619	7.6
55 to 59 years	377,989	6.5
60 to 64 years	317,779	5.5
65 to 69 years	226,596	3.9
70 to 74 years	159,761	2.8
75 to 79 years	124,579	2.2
80 to 84 years	98,580	1.7
85 years and over	98,126	1.7
Median age (years)	38	(X)
16 years and over	4,584,109	79.4
18 years and over	4,420,588	76.6
21 years and over	4,175,913	72.3
62 years and over	890,542	15.4
65 years and over	707,642	12.3

HOUSEHOLDS BY TYPE		
Total households	2,156,411	100.0
Family households (families) [7]	1,447,002	67.1
With own children under 18 years	651,028	30.2
Husband-wife family	1,026,739	47.6
With own children under 18 years	439,471	20.4
Male householder, no wife present	104,375	4.8
With own children under 18 years	47,191	2.2
Female householder, no husband present	315,888	14.6
With own children under 18 years	164,366	7.6
Nonfamily households [7]	709,409	32.9
Householder living alone	563,005	26.1
Male	234,157	10.9
65 years and over	53,018	2.5
Female	328,846	15.2
65 years and over	135,362	6.3
Households with individuals under 18 years	738,706	34.3
Households with individuals 65 years and over	516,338	23.9
Average household size	2.61	(X)
Average family size [7]	3.15	(X)

MARYLAND
2010 CENSUS

TABLE 4

HOUSING OCCUPANCY		
Total housing units	2,378,814	100.0
Occupied housing units	2,156,411	90.7
Vacant housing units	222,403	9.3
For rent	61,874	2.6
Rented, not occupied	3,742	0.2
For sale only	32,183	1.4
Sold, not occupied	6,566	0.3
For seasonal, recreational, or occasional use	55,786	2.3
All other vacants	61,552	2.6
Homeowner vacancy rate (percent) [8]	2.2 (X)	
Rental vacancy rate (percent) [9]	8.1 (X)	

HOUSING TENURE		
Occupied housing units	2,156,411	100.0
Owner-occupied housing units	1,455,775	67.5
Population in owner-occupied housing units	3,940,520	
Average household size of owner-occupied units	2.71	
Renter-occupied housing units	700,636	32.5
Population in renter-occupied housing units	1,694,657	
Average household size of renter-occupied units	2.42	

By 2020, it is projected that there will be 50,050 persons aged 65 or older living in the County, with further increases to 72,330 persons in 2030 and 83,570 persons in 2040. The 2020 projected total of 50,050 persons aged 65 or older is nearly three times the total number of persons in that age group living in the County in 2000, and the anticipated rate of population growth for this group from 2010 to 2030 is 2,165 persons per year, a level 2.8 times the 765 persons per year average rate recorded from 1980 to 2010. It is projected that by 2030, 20.3 percent of the County's total population will be age 65 or older, representing one of every 4.9 persons living in the county. This information is further detailed on Table 5.

Howard County has established an Office on Aging and Independence which has produced a "Master Plan for the Aging Population" in order to anticipate and prepare for the "types of services, programs and facilities" associated with the rapidly expanding 65+ portion of the County's population. The County expects that from 2020 to 2040 the number of persons living in he county younger than age 65 will remain relatively constant, while the 65+ portion of the population is expected to increase by 44 percent during the 2020's and an additional 15 percent during the 2030's. Part of the Master Plan is comprised of a list of the apartments, assisted living facilities, retirement communities, etc. that presently provide age and need appropriate housing opportunities for the senior portion of the population. That senior (65+) portion of the population is expected to more than double in number between 2015 and 2040, with some portion of that age cohort in need of a different form of housing.

School Enrollments

The significant increase in population within Howard County during the past decades has been accompanied by a corresponding increase in the County's school enrollments. During 1980, the Howard County Public School System (HCPSS), serving all of Howard County, reported a total enrollment of 25,228 students. Between 1980 and 1990, the number of students in the HCPSS increased by 18.9 percent to a total of 30,002 students and further increased to a total of 44,525 students in 2000. Between 2000 and 2010, the number of students in the County increased by 12.3 percent to a total of 49,991 students and further increased to a total of 55,638 students in 2017. The average annual increase in student enrollment from 2000 to 2017 was 654 net new students per year,

Howard County

DEMOGRAPHIC AND SOCIO-ECONOMIC OUTLOOK

TABLE 5

	Historical					Projected					
	1970	1980	1990	2000	2010 *	2015	2020	2025	2030	2035	2040
Population Characteristics:											
Total Population	61,911	118,572	187,328	247,842	287,085	309,050	332,250	348,500	367,130	363,500	366,350
Male	31,173	59,244	93,349	121,774	140,593	151,490	162,870	169,720	174,820	177,980	179,700
Female	30,738	59,328	94,079	126,068	146,492	157,560	169,380	178,780	192,290	185,510	186,640
Non-Hispanic White **	N/A	100,311	153,552	180,800	166,972	169,380	164,590	156,960	149,660	142,470	133,940
All Other **	N/A	18,261	33,776	67,042	117,113	139,670	167,670	189,540	207,450	221,020	232,400
Selected Age Groups:											
0-4	5,702	8,224	15,352	18,248	17,363	17,960	19,720	20,940	21,320	20,810	19,490
5-19	16,961	31,791	37,275	55,837	63,360	64,470	65,540	65,830	66,730	67,390	66,620
20-44	21,894	52,064	88,243	98,212	92,961	97,220	106,260	111,130	112,630	112,290	107,760
45-64	11,027	20,412	36,128	59,077	84,356	90,250	90,890	87,380	84,110	83,680	86,930
65+	3,327	6,081	11,330	18,468	29,045	38,150	50,060	61,260	72,330	79,840	83,570
Total	61,911	118,572	187,328	247,842	287,085	309,050	332,250	345,500	367,100	363,500	366,350
Total Household Population	60,873	117,467	185,371	244,224	284,793	306,492	329,386	343,312	363,506	359,454	361,894
Total Households	16,880	39,989	68,337	90,043	104,793	112,850	123,325	130,475	137,275	141,475	144,550
Average Household Size	3.59	2.94	2.71	2.71	2.72	2.72	2.67	2.63	2.58	2.54	2.50
Labor Force:											
Total Population 16+	40,346	86,969	143,338	186,381	221,960	243,430	263,890	276,290	288,590	292,410	297,090
In Labor Force	25,042	63,233	113,580	139,885	163,520	174,290	185,070	188,300	191,350	192,150	192,960
% In Labor Force *	62.1	72.7	79.2	75.5	73.7	71.6	70.1	68.5	67.0	65.7	65.0
Male Population 16+	20,141	42,990	70,462	89,426	107,100	117,660	127,490	133,460	138,020	141,520	144,200
In Labor Force	16,704	36,166	60,947	73,844	85,513	91,560	97,130	99,690	101,270	102,300	103,360
% In Labor Force *	82.9	84.1	86.5	82.6	79.8	77.8	76.2	74.7	73.4	72.3	71.7
Female Population 16+	20,205	43,979	72,876	96,955	114,860	125,770	136,400	142,830	147,570	150,890	152,890
In Labor Force	8,338	27,067	52,633	66,041	78,010	82,730	87,940	88,610	90,080	89,850	89,600
% In Labor Force *	41.3	61.5	72.2	68.1	67.9	65.8	64.5	62.7	61.0	59.6	58.6
Jobs by Place of Work :	22,397	66,664	105,751	156,188	189,573	210,100	226,200	247,000	258,200	269,300	281,000
Personal Income :											
Total (million of constant 2009$)	$1,017.5	$4,120.2	$7,924.1	$13,578.9	$18,412.2	$23,943.9	$24,796.8	$27,506.6	$29,535.7	$31,511.8	$33,231.6
Per Capita (constant 2009$)	$25,386	$34,377	$41,945	$54,406	$63,825	$67,719	$74,633	$79,384	$82,960	$86,690	$90,710

** For 2010 to 2040 non-hispanic white population is equal to "non-hispanic white alone", and all other population is equal to "all other races", alone and two or more races.

* Labor force participation rates for 2010 are estimates based on the 2008-2012 American Community Survey. These participation rates are applied to the Census 2010 population by age/sex to yield labor force estimates.

SOURCE: Projections prepared by the Maryland Department of Planning, July 2014. Population and household data from 1970 thru 2010 are from the U.S. Census Bureau, as is the labor force data from 1970 thru 2000. Labor force participation rate data for 2010 is an estimate by the Maryland Department of Planning based on 2008-2012 American Community Survey data. 1990 race and sex population is from modified age, race, sex data (MARS) and 2000 race and sex population from modified race data, both from the U.S. Census Bureau. Historical jobs, total personal income and per capita personal income data are from the U.S. Bureau of Economic Analysis.

Projections are rounded, therefore numbers may not add to totals.

and the 2017 enrollment of 55,638 students is 1.25 times the 2000 public school enrollment total of 44,525 students and 2.2 times the 1980 enrollment total of 25,228 students. The average number of public school children (PSC) per household in Howard County has decreased from 0.63 PSC per household in 1980 to an average of 0.49 PSC per household in 2015.

The 2018 school budget's general operating fund budget, encompassing salary and benefits plus transportation, utilities, supplies, non-public school placements, technology services and maintenance, totaled $819,106,284, indicating an average general operating fund expenditure of $14,421 per student. The HCPSS total expenditure budget of $1,079,753,831, which in addition to the foregoing costs includes grant programs, food and nutrition, wastewater treatment, theater, school construction, printing, technology, health, and other separately funded programs equates to a total expenditure of $19,407 per student. School district enrollments are expected to increase to 57,942 students by the 2019 school year, with a school district budget of $1,134,416,060, yielding an average per pupil cost (total budget) of $19,578. Historic enrollments and recent budgets are summarized below.

Howard County Public School Enrollments

School Fiscal year	1990	1995	2000	2010	2017	2018	2019
Fall Enrollment	30,002	37,323	44,525	49,991	55,638	56,799	57,942

Howard County School District
Projected Enrollments and Expenditures
2017/18-2019/20

School Year	2017/18	2018/19	2019/20
General Fund Budget ($)	798,418,984	819,106,284	850,682,321
Total School Budget ($)	1,077,630,676	1,079,753,831	1,134,416,060
Projected Enrollment	55,638	56,799	57,942
Projected General Cost ($)/Student	14,350	14,421	14,682
Projected Total Cost ($)/Student	19,368	19,407	19,578

The Howard County Public Schools include 41 elementary schools (grades Pre-K to 5), 20 middle schools(grades 6,7,and 8); 12 high schools (Grades 9-12); as well as 3 additional special schools.

Commercial Development

In addition to the County's increasing residential base, the commercial component of the County's property base has also increased in magnitude in the past several years. In recent decades the focus and concentration of economic activities in Howard County has shifted from the its former agricultural and light manufacturing base to a more diversified base reflective of a developing suburban area. According to data provided by the Bureau of the Census, during 1990 there were 5,384 businesses within the County with employment totaling 90,310 persons and payrolls of $2.250 billion. By 1995, there were 6,374 businesses reported within the County with 97,851 employees. A continued expansion of the local economy resulted in a total of 8,163 businesses with 145,239 employees and aggregate payrolls of $7.138 billion in 2005. By 2010 these totals had increased to 8,581 establishments, 150,997 employees, and payrolls of $8.627 billion. The most recent date provided by the Census indicates a 2016 total of 9,374 businesses with 176,059 employees and payrolls of $10.814 billion. The number of businesses within the County increased by 74.1 percent from 1990 to 2016 and the number of employees within the county increased by nearly 95 percent. During 2016, the professional, scientific and technical services sector of the economy accounted for the greatest number of jobs within the county, with a total of 42,102 jobs representing 23.9 percent of the county's employment base. This information is further detailed below.

US Bureau of the Census
County Business Patterns
Howard County, Maryland

	Employees	Payroll $000	Establishments	Average Payroll $	Employee/ Establishment
1990	90,310	2,250,520	5,384	24,920	16.8
1995[1]	97,851	3,057,697	6,374	31,248	15.4
2005	145,239	7,138,245	8,163	49,148	17.8
2010	150,997	8,627,141	8,581	57,135	17.6
2011	152,384	8,905,019	8,547	58,438	17.8
2012	157,128	9,256,223	8,745	58,909	18.0
2013	165,518	9,724,038	8,946	58,749	18.5
2014	168,040	10,046,930	9,139	59,789	18.4
2015	168,100	10,513,964	9,225	62,546	18.2
2016	176,059	10,814,141	9,374	61,423	18.8

[1]Estimated payroll

During 2016, a majority of the business establishments in Howard County employed fewer than 10 employees. There were 4,902 Howard County businesses with one to four employees and 1,584 Howard County businesses with five to nine employees for a total of 6,486 businesses with fewer than 10 employees representing 69.2 percent of all businesses operating within the county.

RATABLE BASE AND TAX RATE

The economic and demographic characteristics of Howard County are reflected in the County's ratable base, and changes in the County's household base and commercial development may be examined in terms of the per parcel and total valuations (assessments) of the taxable properties in the County.

Ratable Base

In the State of Maryland, real properties are assessed at full market value and applicable State and local taxes are applied to the property's assessed value. The actual value used for assessment purposes is the market value of the property as determined by either replacement costs, comparable sales or capitalization of income. The property tax revenues generated through the imposition of the tax rates fund the various operations provided to property owners by the county government and all local taxing authorities, including schools, roads, fire protection, police protection, and other local services. Revenues generated within a County stay within the County, and in general are not used to fund state supplied services. As of mid year 2017, the total combined taxable real property valuation in Howard County amounted to $53.118 billion. This information, which is provided by the Maryland State Department of Assessment and Taxation, is summarized below:

HOWARD COUNTY PROPERTY ASSESSMENTS-2017

	Parcels	Value $	Value/Parcel $
Agricultural	1,131	424,789,070	375,587
Country Clubs	1	4,302,433	4,302,433
Residential	64,910	29,197,172,188	449,810
Condominiums	8,392	1,531,105,154	182,448
Residential Commercial	17	9,586,300	563,900
Commercial	1,799	4,544,601,155	2,526,182
Industrial	809	3,489,216,695	4,313,000
Commercial Condo	1,400	630,521,979	450,373
Apartments	152	2,324,481,198	15,292,639
Commercial Residential	149	45,323,934	304,187
Townhouses	24,326	7,458,252,853	306,596
Partial Exempt	0	299,656,353	0
Exempt	3,477	3,158,502,912	908,399
TOTAL	106,563	53,117,512,224	498,461

County Expenditures

The Howard County budget as presented is comprised of two broad sections. The General Fund budget includes general use tax revenues, including property taxes and income taxes, and expenditures such as education, police, snow removal and libraries. The General Fund budget receives 92.0 percent of its funding from various taxes collected within the county, and comprises slightly less than seventy percent of the total Howard County budget. Added expenditures included within the All Funds Budget are represented by restricted funds which are dedicated for specific purposes. Included within the All Funds Budget is the cost of Fire and Rescue Services, which amounts to $104,170,763 and is supported by a local tax. While it is a dedicated fund, it may be more appropriate to include that cost in the General Fund Budget, as it is a tax supported expense item.

During fiscal year 1995, the total budget (All Funds Budget) for Howard County operations was $323.6 million. Since then the County budget increased to $669.3 million in 2000, $911.5 million in 2005, and to $1.248 billion in 2010. During 2016 the cost of governmental operations reflected in the County budget totaled $1.397 billion. The County's 2018 budget indicates an increase in expenditures to $1.582 billion. Educational expenses are by far the single largest expense, totaling $627,146,166, chiefly comprised of HCPSS and the Howard County Community College. Education expenditures accounts for 57.1 percent of the County's General Fund budget and for 39.6 percent of the total (all funds) Howard County budget.

Real Estate Tax Rates

Within Howard County, there are no distinct municipal subdivisions, and the individual properties within Howard County are all subject to the same tax rates from the County taxing authority. All land is unincorporated and as such no Howard County properties are subject to distinct municipal taxes, only the County tax rates are applied. These taxes include property (both real property and business personal property), fire and rescue, recordation, mobile home, admission and amusement, local income, hotel and motel, and transfer. Educational costs within Howard County, which comprise 57.1 percent of the general fund budget and 39.6 percent of the total budget are paid for out of the County's general funds, with no dedicated school/education tax within the general tax rate. The most significant tax authority within the county is the Howard County

government operations including school operations. The taxing district where the property that is the subject of this analysis is located has a combined (all sources) total tax rate of $1.382 per $100 of valuation. Additional taxes are collected on business personal property assessments for the County and for fire services. The tax rates in Howard County are set forth below.

Tax Authority Name/No.	Tax Rate
Howard County Government	1.014
Maryland State Tax	0.112
Fire District	0.176
Ad Valorem	0.080
Total Property Tax	1.382
Business Property	
County	2.535
Fire	0.440

OPTIONS FOR SENIOR LIVING

Erickson Living proposes to develop a full-service, campus style, Continuing Care Retirement Community (CCRC) on the subject property in the Clarksville section of Howard County. The proposed CCRC will contain independent, assisted living, skilled nursing and memory care units.

During the past several decades, several forms of housing, some of which include varying levels of household assistance or medical care have been developed that address the changing needs of homeowners as those homeowners age. There is an increasing level of service and care provided for persons as their individual needs change. These specialized housing types include:

Active Adult Communities- Similar in form to residential subdivisions with the exception that occupancy is limited to persons age 55 years or older.

Independent Living Facilities- Provide housing with a minimum of ancillary services, generally limited to one meal per day in a common facility. Other amenities may include basic shopping and house-keeping.

Assisted Living Facilities- Provide assistance for residents with requirements of daily living, including bathing, dressing, and basic medical and health care needs.

Continuing Care Retirement Communities- Generally provide a range of housing types and care levels ranging from independent living level to full, on-site, medical care. Residents are able to increase the level of care received as their individual needs increase, up to and including on-site skilled nursing care.

These forms of housing and housing occupancy reflect changes that occur throughout life as an individual, or a family's housing needs change. When needs change, presently occupied homes often become unsuitable for the residents of the home. As a family transits to a new home that is suitable for the family's needs, the previously occupied home becomes available for another family for whom it would be appropriate.

Project Description

The property that is the subject of this evaluation is a 61+/- acre tract of vacant land located at the intersection of Route 108 (Clarksville Pike) and Sheppard Lane in the Clarksville section of Howard County, Maryland. Erickson Living proposes to develop a Continuing Care Retirement Community on this land. The site, which is currently undeveloped with the exception of a Freestate Gas Station is surrounded by a mix of land uses including agricultural, residential, retail, commercial, open space and conservation areas. Erickson Living proposes to develop the subject property for a campus style Continuing Care Retirement Community containing approximately 1,200 independent living units in approximately fifteen (15) multi- story mid-rise residential buildings which will surround shared community buildings, courtyards and forest preservation areas.

The community buildings will contain the common facilities for the neighborhoods, including the dining room and commercial kitchen, public activity areas, classrooms, crafts rooms, beauty salons, stores, banks, pharmacy and central heating and cooling equipment. Certain spaces that are shared by all of the campus residents such as a fully staffed medical clinic, an inter-faith worship center, library, an indoor aquatics center, an auditorium, conference center, and other recreational spaces such as wood shops, hobby rooms, computer labs, etc, are also contained within the various community buildings. The campus will contain a health club and an indoor aquatics center for the use of the community's residents. Climate controlled corridors and pedestrian bridges will inter-connect each of the buildings to other buildings within the overall campus. The intent is to provide for the day-to-day as well as long-term health care needs of the residents.

In addition to the independent living units, the campus will also contain assisted living, skilled nursing and memory care units. This facility will be built in phases based upon the demand for assisted living, skilled care and memory care units. It is expected that at build-out, there will be approximately 240 assisted living and skilled nursing beds, all in private rooms. At completion the proposed development would be expected to have a resident population of approximately 1,700 persons. The campus will be built in phases over a period of time with completion dependent upon market absorption.

The proposed CCRC will include extensive on-site medical services to provide for the ongoing medical needs of the community's residents, including full-time doctors with specialization in geriatric medicine, as well as additional medical personnel including cardiologists, dentists,

podiatrists, ophthalmologists, gastroenterologists and other specialists on an as-needed basis. Medical services are augmented by trained on-site emergency first responders who will be available 24 hours a day. According to estimates provided by Erickson Living and based upon past experience with operating facilities, it is estimated that the proposed CCRC would employ approximately 650 Full Time Equivalent (FTE) employees. Staggered shifts will be implemented in an effort to avoid any increases in traffic volume during peak rush hour commuting periods. It is expected that the proposed development would be the 15th largest employer within Howard County.

The CCRC is to be operated as a self sufficient, controlled access residential community with security personnel patrolling the property and monitoring the vehicular access to and about the site. The buildings will be fully sprinklered. The maintenance, repair and snow removal of all on-site roadways, as well as the street lighting systems will be the responsibility of Erickson Living. Comparable projects completed by Erickson Living typically contain a mix of sizes for independent living units, ranging from one bedroom units to two-bedroom units. The fair market value of the proposed development has been estimated based upon the equalized value of other comparably sized communities developed by Erickson in recent years. For the proposed CCRC, an average assessed value of $181,000[3] per living unit is estimated, resulting in an estimated completed project assessed value of $260,640,000. The proposed development would represent a 0.49 percent increase in Howard County's current total real property valuation of $53.1 billion.

Added Services

In terms of the range of services provided to the community at large, and specifically, to the proposed development, Howard County is typical of suburban areas where a broad range of services and facilities are provided primarily for the benefit of household residents. The proposed CCRC will, itself, provide an extensive range of on-site services to its residents. The services to be provided by Erickson Living include first response medical service, transportation and paratransit (transportation for those with limited mobility), security, on-site roadway maintenance and street

[3]Assessed value estimate based upon capitalization of anticipated net operating income. May be compared to nearby Belmont Station apartments assessment of $180,640 per unit and Roberts property anticipated assessment of $191,211 per unit.

lighting, and social services. Automated fire suppression systems will be installed in all of the buildings and facilities. The self contained nature of the development, coupled with the range of services to be provided limit the dependence upon Howard County for services. The services to be provided by Howard County to the planned CCRC are considered to be comparable to those furnished to other low-intensity commercial developments and are quite different from the range of governmental and school services provided to typical residential sub-divisions and individual properties. In many respects, the local services cost generation of a CCRC may be compared to a major hotel or hospital operation. Some would assume a heightened need for emergency services with a community of persons aged 65 years and older. That assumption is mitigated by several factors. Most significantly, the community is staffed with health care professionals who will serve as the first responders to emergencies. Residents in need of immediate care will pull a chain on their wall or press a button to summon help rather than dialing 911. Further, residents who do have significant health issues may be attended to within the community's assisted living, skilled nursing and memory care units. Residents of those units are already receiving a heightened level of daily medical attention and are less likely to be in need of emergency services than the general population.

IMPACT ANALYSIS

Fiscal Impact

The fiscal impact resulting from the development of the subject property for the proposed CCRC is related to the costs incurred by the County in providing the various services required by the project. The determination of the fiscal impact of the proposed development involved the use of an econometric model which is generally referred to as the "proportional valuation method". This method (proportional valuation) is considered to be the most appropriate, and is a widely used cost/revenue analysis tool. The "proportional valuation method" constructs an econometric model of the actual appropriations and revenues in the subject governing district (Howard County) and allocates these costs and revenues into residential and non-residential categories. An adjustment is made in the "proportional valuation method" to reflect the fact that commercial/non-residential ratables typically maintain a significantly higher valuation in comparison to the average value of all properties. This adjustment is made on an inversely proportional basis whereby the higher the average value of non-residential parcels, relative to all parcels, the greater the downward adjustment the proportional allocated cost will be.[2] The rationale for this adjustment is that, on a direct valuation basis, non-residential properties would otherwise be allocated more than their appropriate share of costs simply because of their higher average valuation. Within income producing (commercial) developments it is the anticipated employment that is expected to be generated by the proposed development that represents the key determining components in estimating the costs associated with the proposed development.

In preparing the cost/revenue allocations in this fiscal evaluation, it is assumed that the proposed development was complete, in operation, assessed and taxed during the most recent calendar year. In this instance, this assumption hypothesizes the development had been in place during 2018. By preparing this analysis on a current basis, actual cost and revenue data for Howard County may be utilized, and many factors subject to speculation, such as future property values, prospective tax rates, future distributions of appropriations and the influence of other prospective developments in the County may be avoided. Utilizing the aforedescribed methodology and assumptions, the overall impact of the new development can be quantified through a cost/revenue

[2]The Fiscal Impact Handbook, Burchell and Listokin, Rutgers University.

analysis of its effect upon the major sources of services furnished to property owners and residents in Howard County.

Assumptions, Conditions and Qualifications

The preparation of a cost/revenue analysis which measures the overall and specific impacts resulting from the development and occupancy of the proposed project necessarily requires that certain empirical assumptions be made:

1) All dollars are 2018 dollars--the fiscal impact shown reflects the forecasted impact as if the development were completed and fully operational in 2018;

2) Other growth or changes (demographic/economic) occurring in Howard County during the development phases of the project may well have their own impact on fiscal matters, but are not included within the scope of this study in order to empirically assess the direct impact of the CCRC;

3) Base fiscal data for revenue impact analysis was based upon the current tax rates utilized by taxing bodies within Howard County;

4) The proportional valuation methodology assumes that current average operating costs within Howard County are adequate and may serve as a reasonably accurate indicator of added service levels continued at the same relative scale; and

5) The current distribution of expenditures among the various sectors of County service will remain constant in the short term and will serve as the primary indicator of the way in which additional expenditures will be subsequently allocated.

Utilizing the aforedescribed methodology and assumptions, the ultimate impact of the completion and occupancy of the proposed development can be determined through a cost/revenue analysis of the major taxing sources impacted by the new development.

COUNTY IMPACT

The fiscal effects anticipated to result from the construction and occupancy of the proposed CCRC in Howard County, Maryland shall be analyzed in this section in terms of the added costs expected to be incurred by the County providing services to the property. An evaluation of the added tax revenues and other revenues expected to accompany the proposed development shall also be provided.

County Costs

Insofar as the costs of the services now being provided by the County is the statistical foundation for the costs to be generated by the new development, an analysis of existing service/cost relationships has been undertaken. In examining the services which will be provided by the County and, hence affected by the proposed development, it is apparent that the overwhelming proportion of the local services furnished, the facilities utilized, and the personnel required by Howard County are involved in serving the needs of the County's resident population, with commercial properties, particularly large self contained office complexes, industrial sites, and others creating a limited demand for local governmental services.

The anticipated fiscal impact of the proposed development has been estimated based upon the use of the proportional valuation method. Proportional valuation is considered to be the most appropriate, widely used cost/revenue analysis tool and has been accepted by the Urban Land Institute in its Development Impact Assessment Handbook for determining the fiscal impacts of new developments. Costs and revenues are divided into residential, non-residential categories and other and an adjustment is made in the "proportional valuation method" to reflect the fact that commercial/non-residential ratables typically maintain a significantly higher valuation in comparison to the average value of all properties. The rationale for this adjustment is that, on a direct valuation basis, non-residential properties would otherwise be allocated more than their appropriate share of costs simply because of their higher average valuation. Within income producing (commercial) developments it is the anticipated employment that is expected to be generated by the proposed development that represents the key determining components in estimating the costs associated with

the proposed development. Costs associated with residential developments are determined on a per capita and/or per school student basis.

A summary of the County's current (2018) General Fund budget revenues and expenditures, as presented in Table 6, provides a useful profile for the determination of the fiscal impact attributable to the proposed development. As may be seen on Table 6, the County's school expenditure is the single largest cost item, totaling $627.1 million in 2018, equal to 39.6 percent of the County's total expenditures of $1,581,936,633 and 57.1 percent of the Howard County general (92.0 percent tax funded) budget of $1,098,746,451. The most significant funding sources within the General Fund Budget are Property Taxes and Income Taxes which together account for 88.8 percent of the General Fund Budget. Due to the nature of the proposed development, no added school children are expected to enroll in the Howard County school district as a direct result of the construction and occupancy of the proposed CCRC and no added school costs are anticipated.

Residential Costs- Before the data and relationships indicated in Table 6 may be utilized, certain adjustments must be made to separate its residential and non-residential components. The County's residential properties, which include properties classified as Residential, Condominium, Commercial Residential, Apartments, and Townhouses represent 91.91 percent of the County's total properties and 76.37 percent of the total valuation, which averages to 84.14 percent of parcels/valuation representation. Under the proportional valuation methodology, 84.14 percent of the County's total tax-supported costs would be assigned to the County's residential properties. Of the County's current non-education, general fund budget appropriations of $575,771,048[4], 84.14 percent, or $484,453,760 would be assigned to the County's estimated population of 323,220 persons, yielding a per-capita, tax supported cost of $1,499. The proposed CCRC is a self contained community where the majority of the needs of the residents will be addressed by the employees and the services provided by Erickson Living, with many of those services replacing services that would typically be provided by the County. Despite the inherent efficiency associated with the nature of the development and the level of on-site services, the cost assigned to the anticipated total of 1,700 residents of Erickson Living at Limestone Valley have been estimated utilizing the calculated County

[4]Total Howard County 2018 General Fund expenditures of $1,098,746,451 minus educational expenses of $627,146,166 plus Fire and Rescue Services expense of $104,170,763 equals $575,771,048.

average cost of $1,499 per person. Accepting this present cost allocation with no allowance for marginal costing or services provided on site that would replace County provided services, the resulting county cost associated with the 1,700 residents of the proposed development would amount to $2,548,020 (1,700 persons x $1,499 per person = $2,548,020). If some level of efficiency is assumed in adding 1,700 new residents of the CCRC to a present community of nearly 325,000 persons and considering the concentrated, higher-density nature of this controlled access community where many services are provided by the property owner through the 650 on site employees of the CCRC it would not be unreasonable to assume that the residents would be expected to have a lower assignment of costs than the general population of Howard County. If that efficiency results in a cost level of fifty percent of the average, then the allocated use of county services occasioned by the development of the proposed CCRC would be estimated to total $1,274,010.

Commercial Costs- In addition to the allocated municipal cost of services associated with the resident population of the proposed CCRC, there would also be an allocation of costs to the anticipated total of 650 employees who will eventually be employed by the CCRC. Commercial and Industrial properties in Howard County, which include Commercial, Industrial, Country Clubs and Commercial Condominiums properties represent 3.76 percent of all properties and 16.32 percent of the County's total assessed valuation, which averages to 10.04 percent of parcels/valuation representation. Given these distributions, 10.04 percent of the total current county expenditures would be assigned, in terms of cost/benefit (or cost generation) to the 4,009 commercial/industrial properties in Howard County, with an assessed valuation of $8,668,642,262. Of the County's current estimated tax-supported, non-education appropriations of $575,771,048, 10.04 percent, or $57,807,400 would be assigned to the County's 4,009 non-residential properties.

TABLE 6
HOWARD COUNTY, MARYLAND
FISCAL BASE AND TAX RATES 2018

A. RATABLE BASE

	Parcels	$ Value	$ Value/Parcel
Agricultural	1,131	424,789,070	375,587
Country Clubs	1	4,302,433	4,302,433
Residential	64,910	29,197,172,188	449,810
Condominiums	8,392	1,531,105,154	182,448
Residential Commercial	17	9,586,300	563,900
Commercial	1,799	4,544,601,155	2,526,182
Industrial	809	3,489,216,695	4,313,000
Commercial Condo	1,400	630,521,979	450,373
Apartments	152	2,324,481,198	15,292,639
Commercial Residential	149	45,323,934	304,187
Townhouses	24,326	7,458,252,853	294,490
Partial Exempt	0	299,656,353	0
Exempt	3,477	3,158,502,912	908,399
TOTAL	86,313	53,117,512,224	493,827

B. BUDGET SUMMARY-General Fund

Appropriations	Value	Percent
Education	627,146,166	57.1
Public Safety	134,812,893	12.3
Public facilities	70,864,978	6.5
Community Services	69,648,002	6.3
Legislative and Judicial	28,288,054	2.6
General Government	29,003,806	2.6
Non-Departmental Expenses	138,982,552	12.7
Total Howard Co. Services	$1,098,746,451	100.00

Revenues	Value	Percent
Property Taxes	$531,695,797	48.4
Local Income Tax	444,292,184	40.4
Recordation taxes	24,170,434	2.2
Other Local Taxes	8,682,851	0.8
States Shared taxes	1,627,606	0.2
Charges for Services	$13,030,776	1.2
Licenses and Permits	9,850,835	0.9
Interest, Use of Money	2,138,900	0.2
Fines and Forfeitures	3,987,105	0.4
Revenues Other Agencies	7,110,265	0.7
Interfund Reimbursement	42,202,158	3.8
Prior Years Funds	9,957,540	0.9
Total	1,098,746,451	100.0

The allocated costs of the County services which would be provided to the proposed CCRC can now be determined on the basis of the added employees of the proposed development relative to the average county cost per employee generated by the County's existing non-residential properties. Erickson Living estimates a total FTE employment level of 650 employees at the proposed facility. The allocated, Howard County costs which could be expected as a result of the proposed development may now be estimated through the following formula:

Non-Residential Costs	/	Existing Employees	X	Added Employees	=	Anticipated added Costs
$57,807,400	/	181,005 (Est.)[8]	X	650 (FTE)	=	$207,590

Under the added employment methodology, the allocated annual cost of County government services associated with the development and occupancy of the proposed new CCRC would equate to $319.37 per employee for a total annual cost of $207,590.

The combined allocated residential and commercial cost of Howard County services assigned to the proposed CCRC have been calculated to be between $1,481,600 ($1,274,010 + $207,590 = $1,481,600, assuming an adjusted cost of services to the new residents and $2,755,610 ($2,548,020 + $207,590) assuming a full average cost of providing services to the residents of the CCRC.

Cost Allocations - The actual experience and distribution of the County's expenditures among its various budgetary components provides a basis for the allocation of costs estimated for the proposed new development. The County's current general government budget appropriations, which furnish the statistical foundation for cost and revenue allocations, are tabulated in Section B of Table 6. Utilizing the proportional appropriations observed in Howard County, the upper limit local general fund costs of $2,755,610 which are attributable to the proposed development could be allocated to the pertinent cost categories. The allocation of costs would reflect an annual allotment of estimated appropriations predicated upon the County's existing levels of service and appropriations. The allocated costs of $2,755,610 would indicate that the County's general fund non-educational

[8]Employee estimate based on the Census Bureau's County Business Patterns 2016 reported employment total of 176,059 employees increased by 75 percent of the 1990 to 2016 average annual employment increase of 3,298 net new employees per year.

appropriations (inclusive of Fire and Rescue Services) of $575,771,048 would be expected to increase by less than 0.48 percent in order to maintain the same level and quality of County tax supported services to the existing properties in Howard County.

County Revenues

The existing and added costs of County services are paid by the various sources of revenues. In Howard County these categories include real estate (ad valorem) and personal income taxes; transfer funds (State and Federal Payments); and other, primarily comprising permit/privilege fees, impact fees and charges for services. These categories contain revenue sources which may be considered to be "one time" contributions or fees which are generally derived from an off setting cost generation, as well as other recurring annual revenue sources. The annual, recurring revenue to be derived from the taxes associated with the completion and occupancy of the proposed CCRC are examined below. As was the case in estimating costs, the added revenues generated by the proposed CCRC may be calculated on the basis of the County's actual experience in generating County revenues. The added revenues anticipated to be generated are summarized as follows.

Local Tax Revenues - Of the County's current annual general fund budgeted revenues of $1,098,746,451, the most significant revenue source is the property tax which accounts for $531,695,797 equal to 48.4 percent of the County general fund revenues of $1,098,746,451, with personal income taxes providing an additional $444,292,184 (40.4 percent) in revenue. These two revenue sources account for $975,987,981, equal to 88.8 percent of the total county general fund revenues of $1,098,746,451. In Howard County, property taxes are paid by the owners of record of the $53.1 billion in assessed property value. In the 2018 fiscal year, the tax rate for real property in Howard County including the site of the proposed retirement community was $1.382 per $100 of real assessed property value. The proposed CCRC would be expected to have a total real property value of $260,640,000 and would be expected to generate $3,533,253 in added tax revenues for the various tax authorities governing the subject property. The distribution of this tax revenue among the various tax authorities is set forth below.

Erickson Living
Proposed Howard County CCRC
Anticipated Tax Revenues

Tax Authority Name/No.[5]	Tax Rate	Taxes Generated
Howard County Government	1.014	$ 2,642,890
Fire District	0.176	458,726
Ad Valorem	0.080	208,512
Total Property Tax	1.270	3,310,128
Business Property[6]		
County	2.535	190,125
Fire	0.440	33,000
Total	2.975	223,125
Total Taxes		$3,533,253

In addition to the local taxes raised from the use and implementation of the local tax rate, the county also collects a significant share of its revenues from the imposition of a local income tax, currently set at 3.2 percent of income. According to the U. S. Census Bureau, American Community Survey, during 2016, within Howard County the median household income for households with the householder aged 65 years or older was $77,598, with 72.3 percent of those households estimated to have annual incomes greater than $50,000. With an estimated total of 1,344[7] households within the proposed CCRC, and utilizing the 65+household income estimate of $77,598, added Howard County income tax revenue of $3,337,335 would be calculated (1,344 households x $77,598 per household at 3.2 percent tax rate equals $3,337,335) When combined with the added revenue

[5]Maryland State Tax rate of 0.112 has been omitted from this revenue calculation as those revenues collected are for the funding of principal and interest payments on state bonds, and are not part of the Howard County operating budget. This tax would be expected to generate $291,917 in revenue for the State of Maryland.

[6]Based upon an estimated initial furniture, fixtures and equipment assessment of $7,500,000.

[7]It is assumed that within the proposed CCRC, 40 percent of the 240 care units have a spouse living in one of the 1,200 ILU's. Therefore the total number of households is reduced from 1,440 to 1,344 (1,200 + 60% of 240 [144] equals 1,344).

collected on the real property the total income accruing to Howard County from the proposed development would total $6,870,600 (rounded).

Other Local Revenue Sources - Howard County generates revenue from a variety of additional sources, licenses and permits, fines and forfeits, charged services; and miscellaneous or other revenues. During the construction phase of the proposed development the project would be expected to generate significant fee income for the County, but those fees are assumed to be one time assessments and not a part of the steady-state operations of the proposed CCRC. The proposed CCRC may increase these fees as a secondary impact of development, but the estimate of increased revenues from these sources has not been included as an additional revenue source within the revenue analysis of this analysis.

Fiscal Summary - Local Howard County added tax revenues are estimated at $6,870,588 had the proposed CCRC been completed and occupied during 2018. The allocated cost of providing County services associated with the proposed CCRC total $2,755,610, and the annual County revenue surplus for local government operations is estimated to total $4,114,978. This net revenue surplus is considered to be highly conservative as the cost assumptions associated with the 1,700 residents of the community, who will be provided with a very wide range of services by Erickson Living, have been based on the average per capita costs associated with the needs of the general population of Howard County. It is believed that the residents of the community will generate costs at a significantly lower rate than that of the general population.

Erickson Living
Proposed Howard County CCRC
Anticipated Fiscal Impact

Added Tax revenue	$6,870,588
Allocated Tax Supported Costs	$2,755,610
Net fiscal impact	$4,114,978

FISCAL IMPACT OVERVIEW

In the preceding sections of this fiscal analysis, the nature and magnitude of the proposed CCRC in Howard County relative to the County have been defined and quantified. The prospective impact upon the various services furnished by the County have been determined. The additional need for a variety of services, and the costs, as a result of the proposed development were substantially refined to illustrate the ultimate impact through cost/revenue analysis.

Relative to Howard County's current (2018) fiscal infrastructure, the proposed development is expected to generate annual revenues which significantly exceed the anticipated added costs of providing service. This anticipated net revenue surplus would be available to the County for either an expansion of existing services, an adjustment to the local tax rate, or a combination of these options.

The existence of a significant revenue surplus for local, school and other operations results from the specific nature of the proposal and the substantial extent of the on-site services to be provided by Erickson Living. The government services provided within Howard County, including general government, sheriff, fire and emergency services, road maintenance and lighting, health, welfare, recreation and, perhaps most significantly, education, are structured to respond to the needs of the County's rapidly growing resident population base.

Based upon the foregoing fiscal evaluation, the proposed CCRC would be expected to result in a significant net fiscal benefit for the various entities which presently provide services within the County with surplus revenues generated for school and county operations. It is estimated that the total net revenue surplus resulting from the construction and occupancy of the proposed CCRC would have totalled $4,114,978 had the project been occupied during 2018. It is expected that by 2020 there will be 50,050 persons aged 65 or older living in the County, with further increases to 72,330 persons in 2030 and 83,570 persons in 2040. The 2020 projected total of 50,050 persons aged 65 or older is nearly three times the total number of persons in that age group living in the County in 2000, and the anticipated rate of population growth for this group from 2010 to 2030 is 2,165 persons per year, a level 2.8 times the 765 persons per year average rate receeded from 1980 to 2010. Howard County has established an Office on Aging and Independence which has produced a "Master Plan for the Aging Population", intended to anticipate and prepare for the "types of

services, programs and facilities" associated with the rapidly expanding 65+ portion of the County's population. The County expects that from 2020 to 2040 the age 65+ portion of the population is expected to increase by 44 percent during the 2020's and an additional 15 percent during the 2030's. Part of the Master Plan is compeised of a list of the apartments, assisted living facilities, retirement communities, etc. that provide age and need appropriate housing opportunities for the senior portion of the population. The proposed Erickson Living CCRC is the type of facility that would address the expanding needs of a component of the County's present and future population.

Due to their inherent operational structure and the level of service provided by the entity operating a Continuing Care Retirement Community, these facilities have only a limited impact on (need for) local services. These communities are primarily self sufficient and depending on their size and location can operate as an insular property, with the day to day needs of the residents of the community addressed on site, with medical, nutrition, recreational, educational, entertainment and other social needs addressed within the campus setting. At the same time, these facilities are among the highest value properties, with a density and value of development that provides for a very favorable tax revenue stream and net fiscal impact of the proposed development.

22 Jan 2019

Calvin Ball, Howard County Executive,
Howard County, Council Members:
Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung, David Yungman

My Name is David W. Elsaesser. I reside at 5737 Whistling Winds Walk, Clarksville MD and I am a member of the River Hill Community and Howard County Council District 4.

I am opposed to County Council Resolution CR-3 2019 which identifies the expenditure of $1.26 Million of Howard County Capital funds for realigning Shepard Lane to the west onto Limestone Valley Farm because this realignment is very clearly **NOT IN THE PUBLIC INTEREST**. A much better road realignment of Sheppard Lane to the east that is IN THE PUBLIC INTEREST is available and it is consistent with current State and Howard County planning documents, and preserves the secenic character of Sheppard Lane. I ask the County Executive and the County Council to act in the best interest of Howard County citizens and taxpayers as developers, including, the River Hill Garden Center (RHGC) redeveloping as the River Hill Square (RHS), the Security Development Corporation (SDC), and Erickson Living Continuing Care Retirement Community (CCRC), act to reshape our roads for their benefit.

While CR-3 2019 appears to be a routine action by the County Government authorizing a non-competitive bidding process to construct MD108 and Sheppard Lane, per the F-18-099 development plan, **it is important to point out that the realignment of Sheppard identified therein has been kept SECRET from the public and that CR-3 2019 is the FIRST PUBLIC NOTICE of the SDC's plans to change our roads. The community is very concerned about this section of MD108, it is how we get to our schools. It is in our school zone!** SDC acting on behalf of the RHGC owner has submitted a plan for developing the Limestone Valley Farm, on behalf of and for the benefit of the RHGC/RHS. This plan was not submitted by the land owner, the Limestone Valley Farm. There is no evidence that the Limestone Valley Farm agrees to this plan, had authorized SDC to submit this plan, or is even aware of this plan. I believe that the Limestone Valley Farm will only to submit to this plan in order to enable the sale of its land for the development of the Erickson Living CCRC! This road realignment is not even beneficial to Erickson, it is only beneficial to the RHGC and SDC which is the developer for RHGC, owner of the the Freestate Gas Station and broker for the sale of the rural conservation lots to Erickson! These developers and landowners are colluding aganst the good people of River Hill, Clarksville and Howard County! Neither the Limestone Valley Farm nor SDC has conducted a pre-submission meeting to advise the community of this plan to use Rural Conservation (RC) farmland for the purpose of realigning Sheppard Lane to the west. If a presubmission plan had been conducted, many of the ideas and suggestions contained herein would have been provided to the County Planners and the devleopers.

If the County Council approves this resolution it will be acknowledging and approving the SDC's defective plan for MD108 and Sheppard Lane.

Therefore, I ask the County Executive to retract CR-3 2019 as an ill-informed action carried over from the previous administration. If he declines, I ask that the County Council not approve CR-3 2019. The new county executive and the new county council should set the right tone by saying NO to special interests! The new County Executive and the new County Council should act the best interest of the citizens and tax payers of Howard County!

BASIS for the statement that the CR-3 2019 SHEPPARD LANE REALIGNMENT TO WEST IS NOT IN THE PUBLIC INTEREST

The Sheppard Lane and MD108 road changes are not "road improvements" for the public. The obvious purpose of the realignment is to move Sheppard Lane and its traffic signal to the west in order to provide a signalized entrance for the River Hill Garden Center (RHGC), which is redeveloping as a shopping Center called the River Hill Square (RHS). The RHS and its developer, the Security Development Corporation (SDC), are moving a public county road for their benefit, i.e., this is a road improvement for them that allows implementation of a specific development plan designed to maximize use of the RHGC triangular property for a new shopping center. However, this new road configuration is detrimental to safety on Sheppard Lane and traffic flow on MD108, which carries 20,000 county and state commuters daily. As shown on page A3 of the attached Appendix, Sheppard Lane must be bent first to the west and then to back to the east on very hilly terrain to the west of its current location in order to align to the proposed RHS entrance. The resulting vertical and horizontal curvature of the proposed Sheppard Lane exceeds the standards of Howard County Road Design Manual. The DPZ and DPW waived the requirements of the Design Manual for Roads based up the developer's assertion that their design was the only way to realign Sheppard Lane to improve the substandard 55 degree acute angle of the current Sheppard Lane intersection with MD108. This is absolutely false and the DPZ should not have granted the waiver because a far superior realignment of Sheppard to the east is presented below. In fact, the realigned Sheppard only improves the angle from 55 degrees to between 60 and 70 degrees, due to requirement to maintain alignment of the road with an internal driveway connecting to the entrance. This driveway runs parallel to the eastern boundary of the RHGC triangular property which is also at an acute angle of 55 degrees to MD108. Therefore the insistence on moving Sheppard to the west to provide a signalized entrance supporting the specific development plan of this property limits the potential of bringing Sheppard into a full/standard 90 degree intersection for the benefit of the community and road safety. **HOWEVER, THE MOST DETRIMENTAL EFFECT** of the westward realignment of Sheppard Lane is that it makes the single lane choke point through lane on MD108 eastbound at Sheppard **PERMANENT** and introduces traffic patterns that hinder traffic flow through the intersection. As shown on page A3, three lanes will now merge into this single lane choke point. Page A4 and A5 show backups of MD108 Eastbound traffic at Linden Linthicum Lane, 1200 feet from the Sheppard Lane intersection, that occur in the morning and evening rush hours due to the single lane choke point. These backups extend to MD32, three-quarters of a mile to the west of Sheppard Lane. These backups will become even worse because there will be at least two extra phases on the relocated Sheppard Lane traffic signal to get vehicles into and out of the new high througput shopping center.

The MD108/Sheppard Lane road plan on pages A2 and A3 was presented to the previous Howard County Council by Erickson Living CCRC in October of 2017 as part of a concept plan for a Community Enhanced Floating (CEF) Application, for rezoning and developing the farmland opposite of the RHGC on the north side of MD108 between Linden Linthicum Lane into a retirement community. SDC is a party to this application because it owns Freestate Gas station which will also be redeveloped as part of the CEF proposal and it is acting as broker in the sale of the farmland, including the Limestone Valley Farm. The application says these developers were proposing to realign Sheppard lane as shown as part of that CEF

proposals, and as an enhancement to the local Howard County roads, specifically the Sheppard Lane intersection. I gave testimony at that meeting to show that this plan was adverse to the public interest, as did other community members. Subsequently, in 2018 SDC submitted the plans to relocate Sheppard Lane relocation to the west as a separate development plan, removing it from the more detailed scrutiny of the CEF rezoning request. SDC's refusal to conduct a pre-submission meeting for the Sheppard Lane road realignment is evidence of its intent to hide the road realignment from the community in order to prevent community input and any potential for opposition.

BASIS: MOVING SHEPPARD LANE TO THE EAST IS IN THE PUBLIC INTEREST and is consistent with planning documents

An eastward relocation of Shepard Lane is far superior realignment for safety on Sheppard and throughput on MD108. Page A6 shows the Howard County Interactive Maps of the current Sheppard Lane/MD108 intersection. It shows a large right-of-way on the east side of Sheppard bending to the east away from Sheppard as it approaches MD108. The plat for Clearview Estates shown on page A7 states that the right of way is "for the purpose of a public road." County and State planners obviously provided the curved right of way in order to provide the option of gently bending Sheppard lane to the east into a safe standard/perpendicular intersection. The elevation contour lines on page A6 show that the terrain on the east side of Sheppard is less hilly than the west side and provides a total elevation rise smaller by at least 10 feet compared to the west realignment. Page A8 shows a drawing constructed in Google Earth, using standard width lanes, for bringing Sheppard Lane into a standard configuration with MD108 at their intersection. Furthermore, planners provided a large right-of-way on the north side of MD108 along the Clearview Estates and along the RC lots that Erickson Living is seeking to develop into a retirement community. This right of way is for the purpose of expanding MD108 and it alleviates the constraints caused by the practically non-existent right of way along the south side of MD108. By expanding MD108 to the north from the white line on the south side of MD108 it is possible to construct a five lane section of MD108 continuous with and extending the existing 5 lane MD108 corridor in the River Hill commercial district and through the relocated Sheppard Lane to River Hill High School, see page A9. This configuration provides an extra through lane to greatly enhance throughput on MD108 east and a middle lane for left turns onto Sheppard northbound. The middle lane also enables a left turn at the location of RHGC Center entrance. In redeveloping as the RHS the developer could use its current entrance and if concerned about the difficulties of vehicles making a left hand turn out of this development, they could provide a barrier to enable a "protected left" turn onto MD108 east.

Conconcurrence with planninng Documents.

a. I have already shown above that the county/state intent was to realign Sheppard to the east by providing the large/curved right-of-way on the east side of Sheppard lane and on the Clearview Estates property.
b. In addition, the MD State Highway Adminstration's (SHA) Highway Needs Inventory lists 17 major Howard County MD state road sections that should be converted to multilane roads. Of those 17 only 3 are given a high priorty by Howard County. MD108 between Guilford Road (west of MD32) and US29 is one of the three roads given priorty status by Howard County. The

approval of F-18-099 and making the single lane choke point at the Sheppard Lane/MD108 permanent is contrary to that plan. However, as shown here, the east realignment of Sheppard allows expansion of MD108 into a continuous 5-lane section of roadway up to River Hill High School (page A8, A9).

c. Finally, during the Howard County's Development of the River Hill/Clarksville Design Guidelines the county hired the Sabra Wang engineering firm to consider alternatives for redisign of MD108 and for studying traffic on MD108 in River Hill. Sabra Wang engineers propoposed expansion of MD108 at Sheppard to add a through lane on MD108 eastbound at the Sheppard Lane Intersection, as shown on page A14 below. The developers plan is not consistent with this study funded by and accepted by Howard County, because it will make the second through lane on MD108 east impossible.

Sheppard Lane is identified as a Howard County Scenic Road. As such, it is protected by Howard County code. Any changes to the road should be minimal and maintain the scenic character of the road. The scenic character of the current Sheppard Lane intersection at MD108 is one of diving down into a forest as you head to the farmland of western Howard County. The developer's plan will destroy that character by contorting the last several hundred feet of Sheppard and lifting it onto the Limestone Valley Farm. The developer's plan calls for guard rails and streetlights to compensate for the excessive curvature. Motorists will have to focus their attention keeping their vehicle in a curving lane, rather than experiencing the forest and anticipating the rural farm land. On the other hand, the eastward realignment would enhance the character of Sheppard Lane. The single direction gentle bend away from the current Sheppard land will be easy for motorists to navigate and new trees can be planted on the removed roadway to the west, which would to add to effect of heading into a forest (see page A8, below). In addition, this forest would help to screen the muti-story retirement community placed on the RC farmland—should the county approve that plan.

The DPZ says it is forced to approve a plan by law if it meets minimum standards. However, the Sheppard Lane realignment does not meet minimum standards and the county design manual only allows a waiver if an alternative is not available. As demonstrated here a superior alternative is available. Consequently, the county should withdraw its approval for F-18-099, the development plan for moving Sheppard onto the Limestone Valley Farm.

I have previously made DPZ and other county officials and these developers aware of the safer and superior realignment of Sheppard to the east. If vehicular accidents occur on the sub-standard realigned Sheppard Lane identified in CR-3 2019, Howard County may be liable for damages and injuries occurring on this road because county officials were aware that a much safer realignment was available for Sheppard Lane and negligently failed to consider or implement that option.

Sincerely,

// Signed//

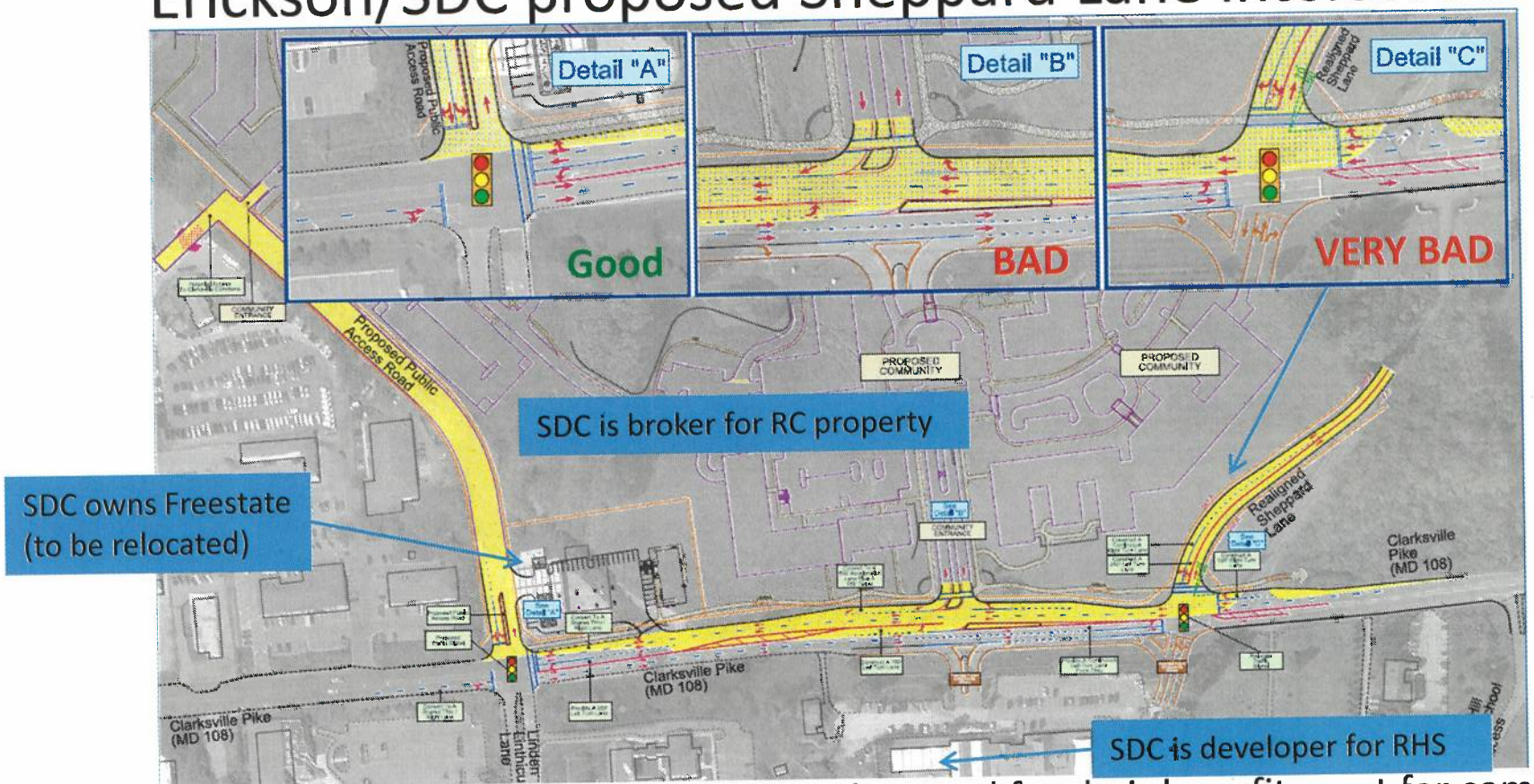
David W. Elsaesser, 5737 Whistling Winds Walk, Clarksville, MD 21029

Traffic, Community and Policy Issues Related to Erickson/RHS Proposed Changes to MD108 and Sheppard Lane

- David Elsaesser
  5737 Whistling Winds Walk, Clarksville, MD 21029

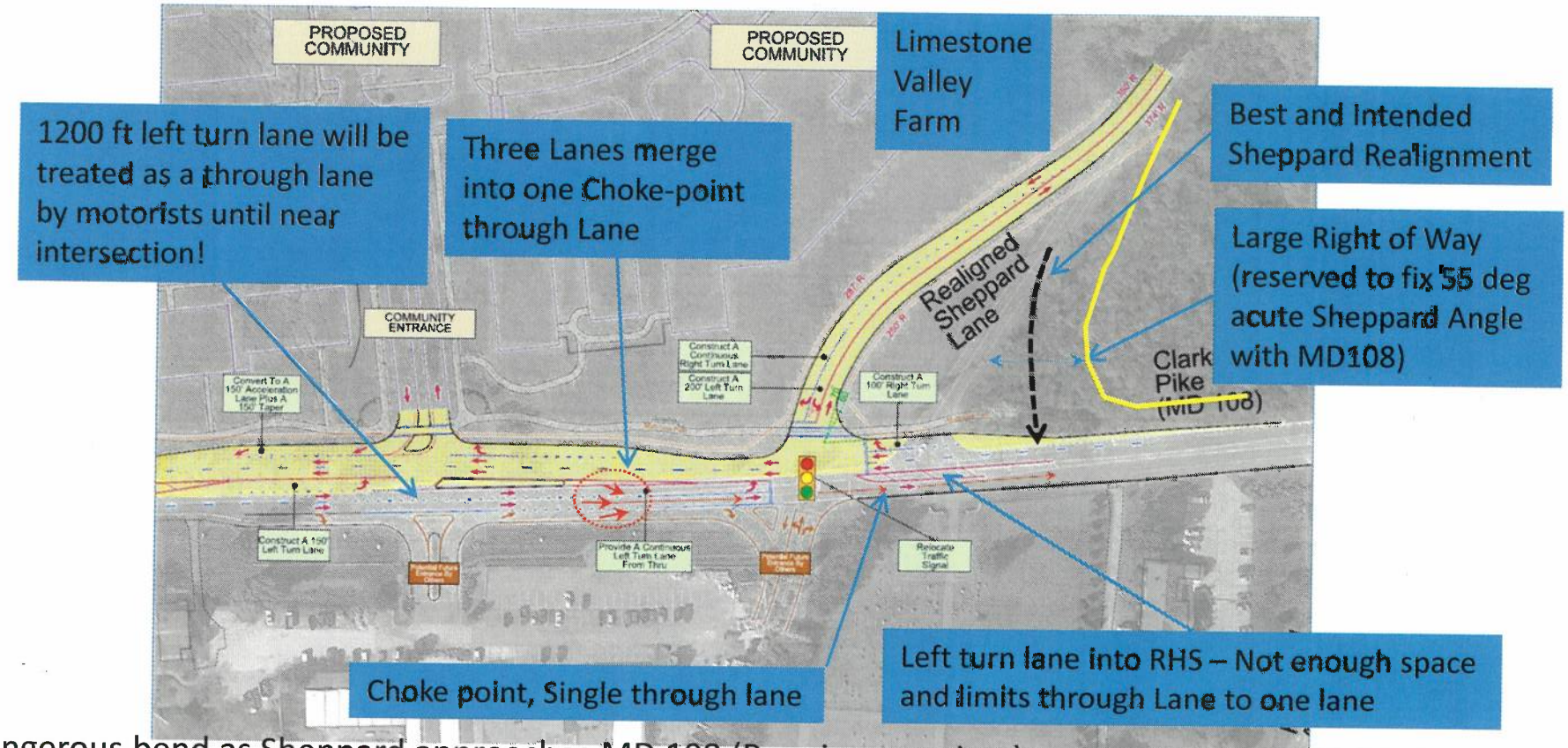
- Discussion with DPZ on 6 Aug 2018
- Presented to Howard County Council
  on 22 Jan 2019

Erickson/SDC proposed Sheppard Lane Intersection



- Security Development Corp (SDC) realigns Sheppard for their benefit – not for community
  - SDC is the developer for River Hill Square (RHS) redevelopment of RH Garden Center
  - SDC is the owner of the Freestate Gas Station property
  - SDC is broker for sale of 60 acres Rural Conservation (RC) Lots for Erickson CCRC
- **CEF: enhancements beneficial to the community ...free and open to the general public, as opposed to a commercial use."**
- No benefit of moving Sheppard West for Erickson – doing it for their SDC broker
- Realignment of Sheppard solely to implement a high throughput shopping center at River Hill Garden Center (Square) -- bad for traffic flow on MD108, Schools, Community

Proposed Sheppard Lane Intersection Bad for Community



- Dangerous bend as Sheppard approaches MD 108 (Requires a waiver), meets MD108 at 60-70 deg angle
- Single through lane to the East is a choke point on MD-108
  - Three lanes funnel into one through lane at Sheppard causes delays at peak traffic times
  - Developer brags of 1200 ft turn lane onto Sheppard North. Motorists will treat it as a through lane until near Sheppard intersection, then try to merge into single through, blocking left lane
  - Extra 2 phases on traffic light at Sheppard for RHS further causes delays
  - Highway Needs Inventory specifies 5-lane MD-108, between Rt32 and Rt29—this proposal is counter to this regional road plan
- **COMMUNITY GETS A BAD INTERSECTION BECAUSE LAND OWNER BOUGHT A TRIANGLE and is trying to turn it into a high-throughput shopping center.**

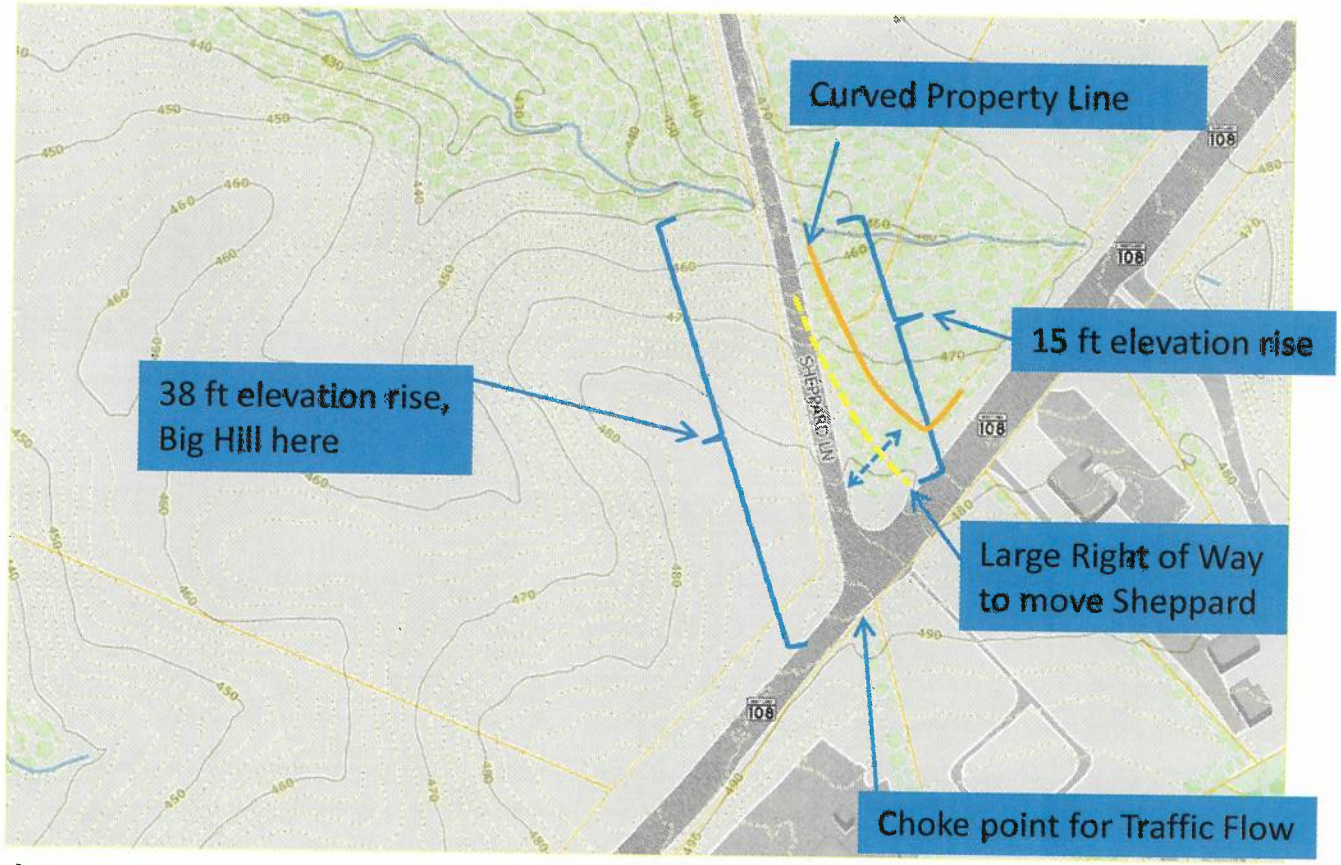
PM Traffic Congestion

- 5pm, Thursday, Dec 5, 2013 at MD108/Linden Linthicum Lane due to choke point at Sheppard Lane

AM Traffic Congestion

- 7:15 AM, Friday, Dec 6, 2013 at MD108/Linden Linthicum Lane due to choke point at Sheppard Lane

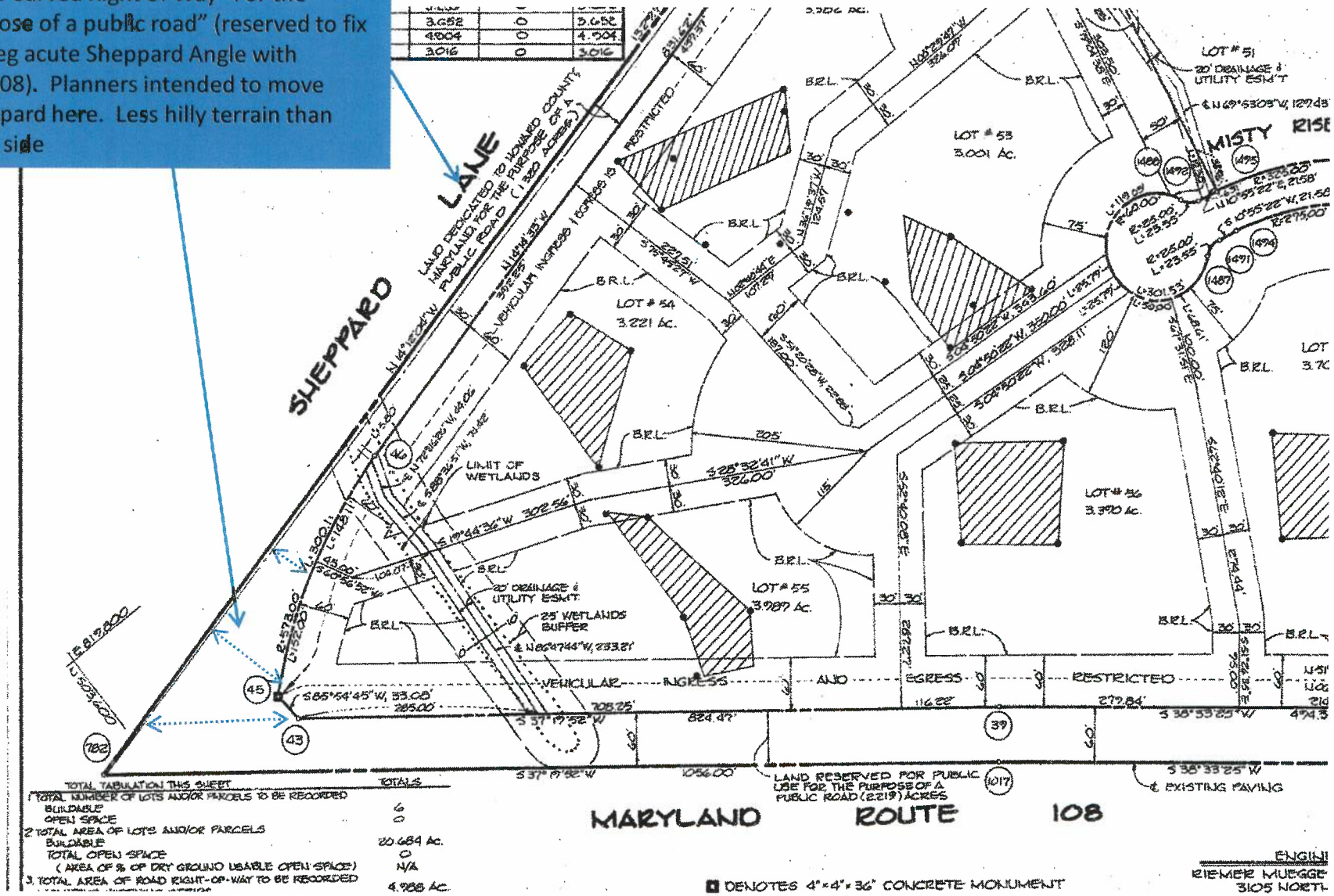
Terrain at Sheppard Lane MD108 intersection



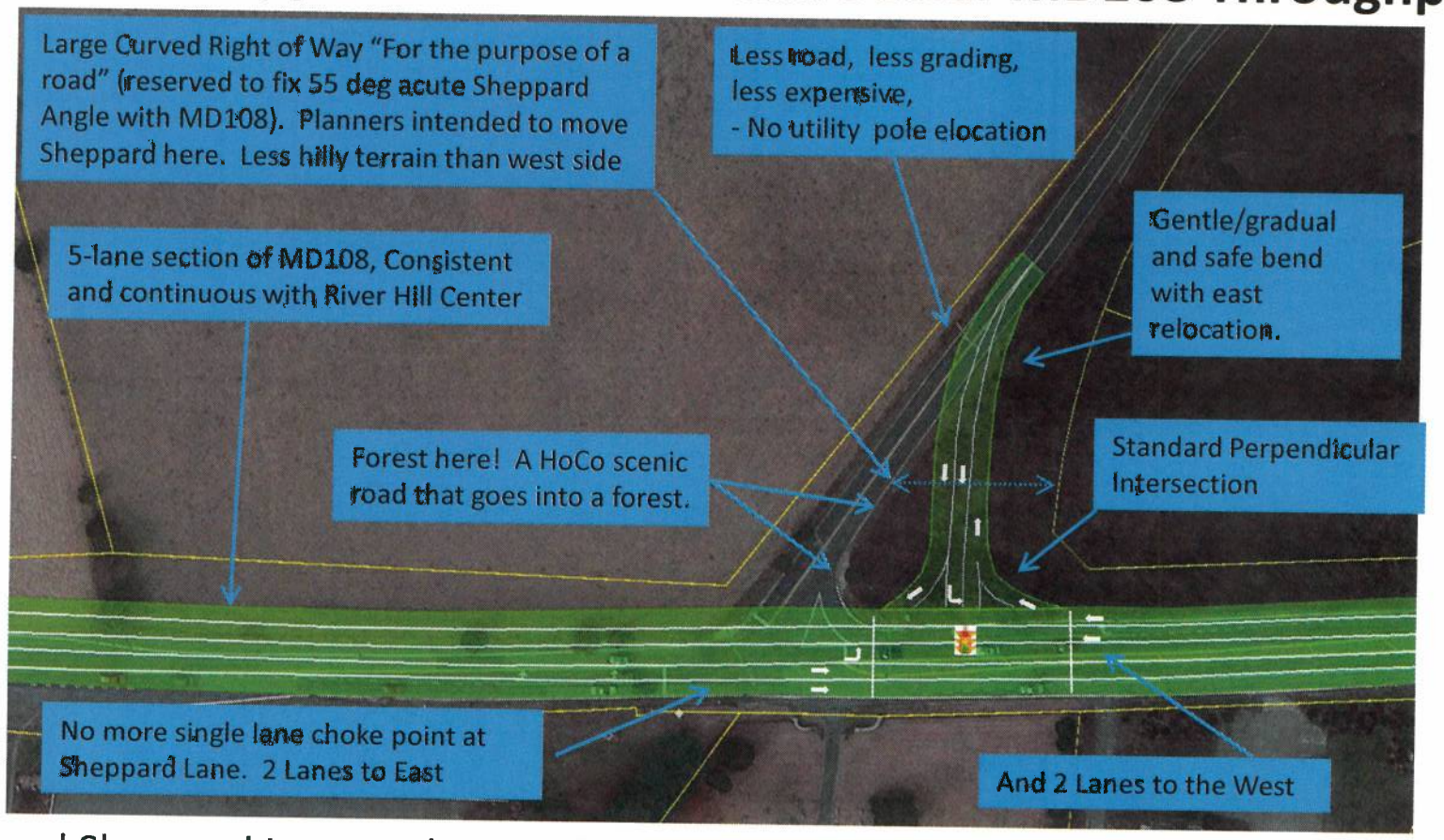
- Moving Sheppard lane to east into the large right-of-way is much better because:
  - The terrain less hilly to the east, and there is a smaller elevation rise east of the current Sheppard location compared to Erickson's proposal of the West (10-12 ft)
  - The Right of Way is curved to the East indicating that its intention was to gradually bend Sheppard to the East and bring it into a standard perpendicular intersection
    - The easement on the plat indicates this ROW is for Sheppard Lane Road improvement
  - You only have to bend Sheppard one way, gradually to the east. **No crazy, dangerous bends!**

Clearview Estates Plat … "For the purposes of a public road"

Large Curved Right of Way "For the purpose of a public road" (reserved to fix 55 deg acute Sheppard Angle with MD108). Planners intended to move Sheppard here. Less hilly terrain than west side

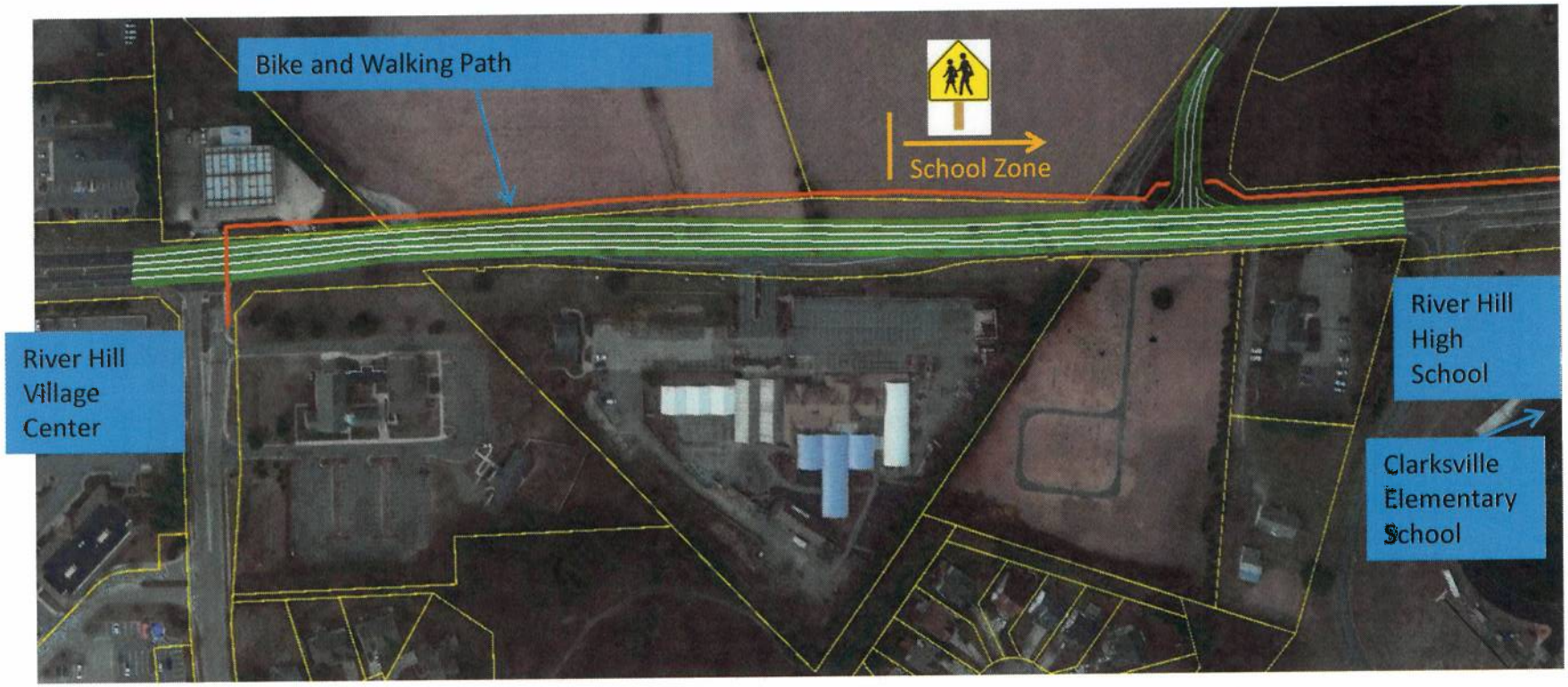


Better Sheppard Intersection and Better MD108 Throughput



- Bend Sheppard Lane to the east for the benefit of the community!
- Better traffic flow: Allows TWO through lanes to east and TWO through lanes to the west
- Safer: Standard Perpendicular/90 degree Sheppard Intersection with MD108
- Safer: Less and more gradual bending of Sheppard Lane as it approaches MD108
- Extra Lane ensure no backups due to high traffic volumes and due to sharing of a single lane with the RH High School entrance
- **WHO IN THE COUNTY AND STATE ARE ADVOCATING FOR THE COMMUNITY!!!**

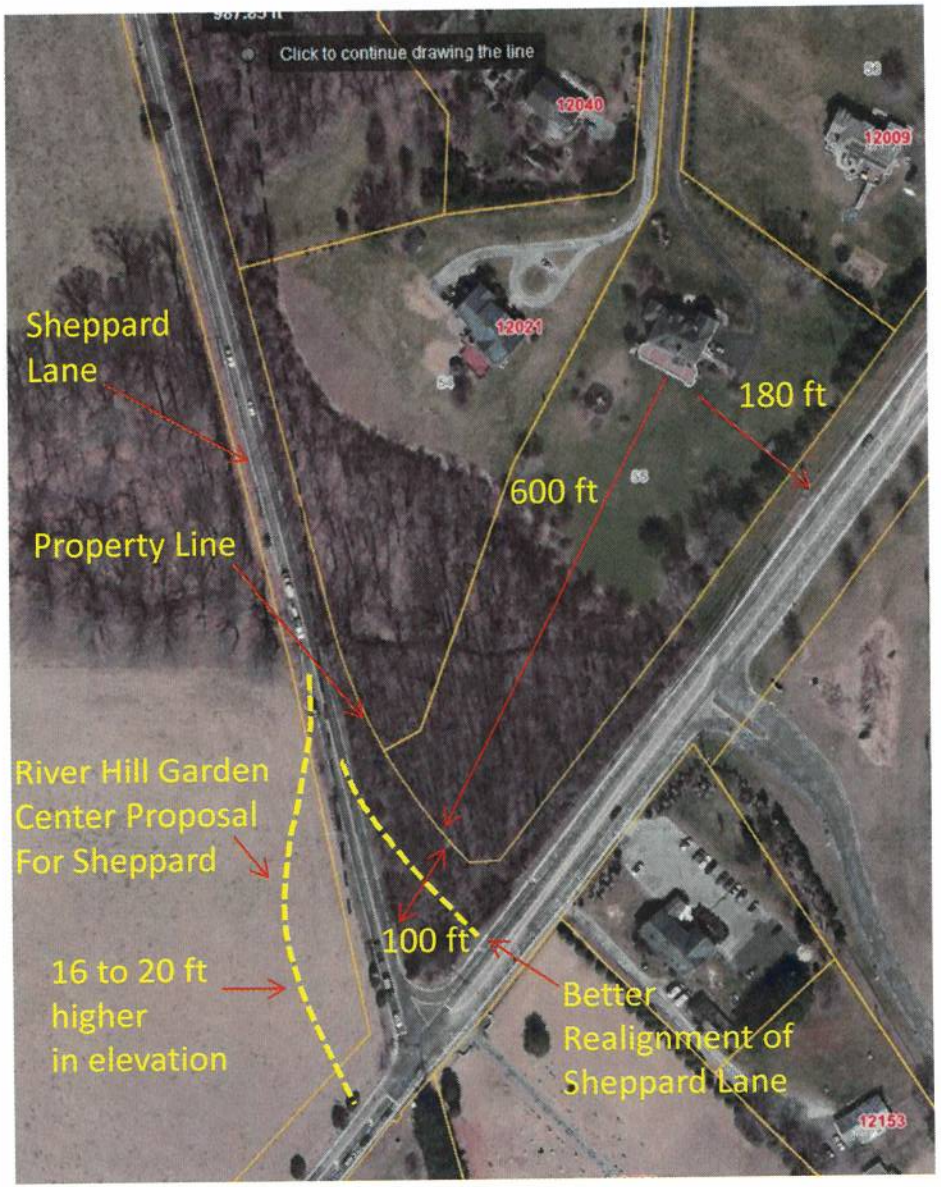
Baseline MD108 Design Requirements: Continuous 5 lane MD108 From Village center to Schools and Safe MD108/Sheppard Intersection



- Clarksville and Howard County need a continuous 5 lane section of MD108 through commercial center and to or past the Clarksville Elementary School
- Better for traffic flow on MD108, especially in light of new/upcoming changes:
  - New Clarksville Commons Shopping Center, New Shopping Center at Ten Oaks Rd, Residential Community at Guilford Rd., Rt32 Expansion, School Redistricting
- Safer for School zone/buses, this is the only way for residents to drive to RHHS, CES
- Better throughput for safety vehicles during rush hour
- RH Square can use its existing entrance, with a protected left if necessary

No Clearview Residential Impact

- Developer/Attorney for RHGC/Erickson argues that moving Sheppard east into Right of Way is bad for single Clearview Resident on north east side of Sheppard
  - Claim moving road into ROW as shown will cause a nuisance to neighbor
  - Asked neighbor if he wants the road closer to his property and of course neighbor is concerned/opposed
- **Moving Sheppard East will not cause nuisance to Clearview neighbor**
  - Neighbor has at least 600 ft of separation to east relocated road, 350 foot of thick woods
  - Relocated Sheppard only 10-15% closer to neighbor -- insignificant
  - Potential Sheppard nuisance insignificant compared to MD108 -- vehicles moving faster here, and MD108 only 180ft from resident
- **Moving Sheppard west for RHGC will put it 16ft higher in elevation, potentially more of a sound/visibility nuisance to neighbor**



Better/Safer Access by Moving Sheppard to East

- Bend Sheppard Lane to the east vs west. Allows Assisted Living Blds to move to east as well.
  - Provide space to add an entrance on Sheppard Lane. Provides safer access MD 108
  - This access to Sheppard lane MD108 closer to most of independent living buildings
- Remove dangerous left turn into CCRC from MD108 east, make it right in, right out
  - Allows RHS entrance (opposite) to be a full movement entrance with barriers in center lane for protection of vehicles turning left onto MD108 westbound

Policy Questions

- Who in the Howard County Government and the Maryland State Governments are advocating for road modifications that are in the best interests of the citizens and tax payers?
  - ***Answer: NO ONE. HoCo/DPZ and MD/SHA are simply evaluating whether or not developer's proposal meet minimum standards. They say they are required by law to grant these proposals.***
- How can a single developer be allowed to move a road into a configuration that is beneficial for them alone but contrary to the public interest?
  - ***Answer: There is no mechanism provided by HoCo/DPZ or MD/SHA for the community to assert its interest in road modifications proposed by developers. The developer's proposal will be adopted if it meets minimum standards. The interest of one developer/property owner will outweigh the interest of thousands of HoCo and MD Residents, Commuters, Tax Payers.***
- Why are the residents of River Hill, Howard County, and the State of Maryland being asked to tolerate a less than optimal intersection because the owner of the River Hill Square bought a triangular property?
  - ***Answer: DPZ conducts site-plan review internally and does not provide for public or community review. Community will not know of potentially devastating road changes to MD108 until RHS starts construction!***

RH Square Plan Issues

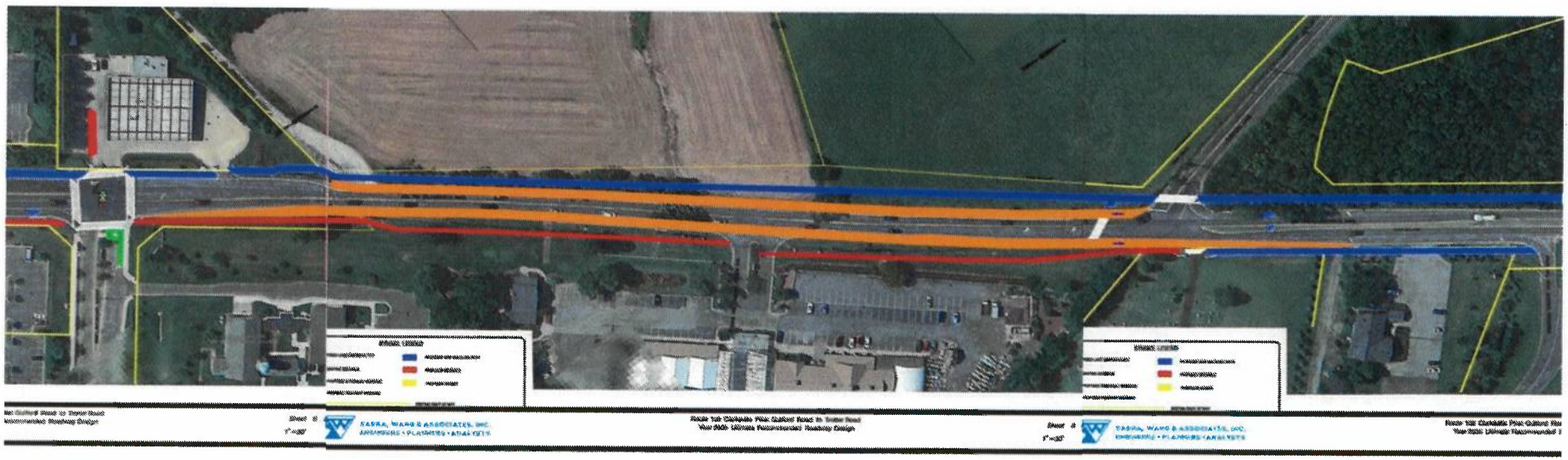
- If you approve the RHS site plan you will be giving RHS permission to build an entrance at a relocated Sheppard Lane
  - ***Answer: Yes. If the RHS can acquire property from the Limestone Valley Farm to move Sheppard to the west and the SHA determines that the realignment meets minimum standards then the SHA will grant access and DPZ will approve the RHS Site plan.***

- Are you granting some interim permission for RHS to:
  - Move the MD108 Intersection to the West?
  - Move Sheppard Lane onto the RC Limestone Valley Farm per the diagrams in the Erickson Plan?
  - ***Answer: There would be no interim movement … it would be the final movement and it would happen without community input and independent of the Erickson proposal for the Retirement Community. Community has only seen proposal to move Sheppard in the Erickson CEF proposal.***

- What happens if the CEF is not approved and the Limestone Valley Farm is not available for the dangerous curved Sheppard road to enable an entrance at the east corner of the RHS?
  - ***Answer: If the RHS can purchase land from the Limestone Valley farm it can move Sheppard Lane as soon as its site plan is approved.***

Community Concerns/Interest

- This section of road is important for community because it is our only way to get to local schools
- Community wants a continuous 5-lane section of MD108 extended from commercial area to the schools
  - Per the Design Guidelines development process, DPZ funded SABRA WANG Traffic Study:



- Community sent hundreds of emails to CEX (Kittleman), Council objecting to providing an entrance to RHGC at Sheppard lane and asked for realignment of Sheppard Lane to the east
- Bottleneck at MD108-Sheppard Lane affects traffic patterns
  - Causes Vehicles to takes shortcuts through our residential streets to access schools via CA Trails
  - Shortcuts to avoid portions of backups on MD108
- The community has not been allowed to publicly address road changes to be imposed on it by the River Hill Square!
- Movement of Sheppard has only been discussed during Erickson CEF proposal and that is under consideration– community does not believe changes are imminent
- **County should be advocating for citizens, insisting Erickson moves Sheppard to east for REAL road improvement, COMMUNITY ENHANCEMENT!**

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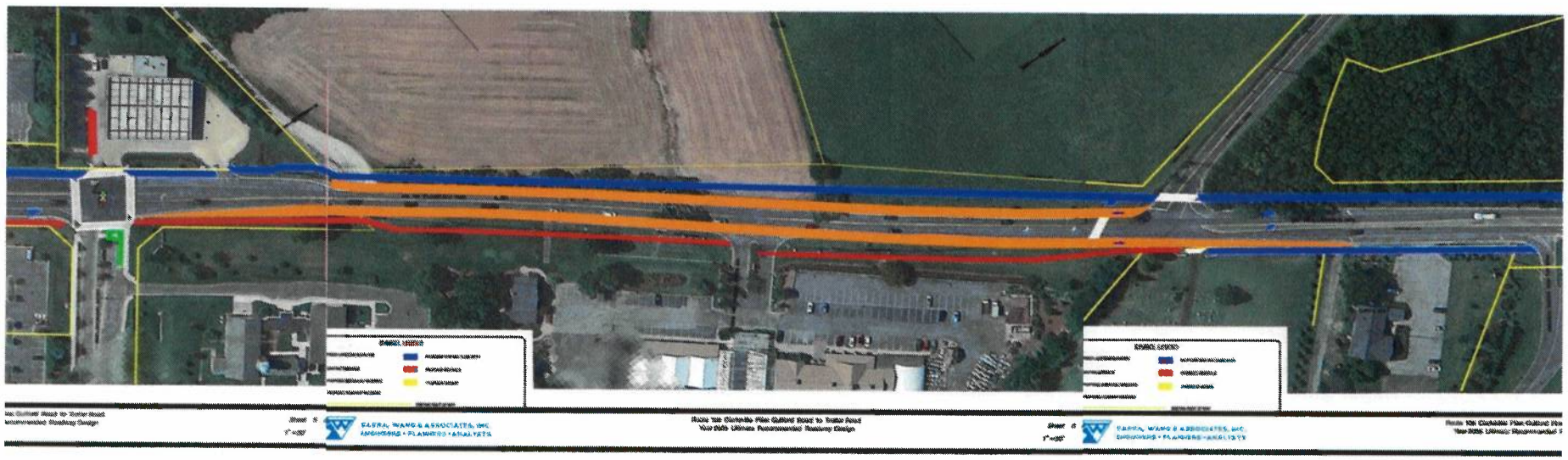

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- Movement of Sheppard has only been discussed during Erickson CEF proposal and that is under consideration– community does not believe changes are imminent
- DPZ will review MD108 Streetscape plan at RH HS on 31 Jan 2019 … AND THIS IS STILL IN THEIR PLAN!
- **County should be advocating for citizens, insisting Erickson moves Sheppard to east for REAL road improvement, COMMUNITY ENHANCEMENT!**

Richard A. Smith
12061 Broad Meadow Lane
Clarksville, MD 20129

January 22nd, 2019

Howard County Council
3430 Court House Dr.
Ellicott City, MD 21043

Re: Testimony Against CR3-2019

For the record, I reside at 12061 Broad Meadow Lane in Clarksville, MD and I have testified numerous times since 2004 regarding development of the property currently described as River Hill Square or SDP-18-044. This testimony has been based on my role as a resident, President of Clearview Neighborhood Group, and as a Trustee of Linden Linthicum Church. I live, work and worship in Clarksville and drive through the intersection of 108 and Sheppard lane several times a day almost every day.

Not only am I opposed to Resolution No. 3-2019, I am actually appalled that this resolution is under consideration. My opposition to this resolution is based on the following:

1. The community has already testified against the concept of River Hill Square gaining access to the light at Sheppard Lane in the developer's first attempt to do so:

   Between December 12th, 2013 and February 27th, 2014 dozens of Clarksville residents sat through over 5 nights of testimony for BOA Case No. 13-029V. Over two dozen individuals and groups testified against the variance petition and plan by the owner of this property, including the Manager of School Planning of the Howard County Public School System. A major concern of the community was the additional traffic that would be generated by the shopping center being added into the light. This petition was denied.

2. The current process is allowing the developer a second bite at the apple and with no community input:

   As far as I am aware, no community input has been sought for the Final Road Construction Plans F-18-099. The design specifics were not reviewed in detail during the community review of Commercial Site Development Plan (SDP-18-044) titled "River Hill Square." It appears this development effort happened much later in the process and is allowing the developer a way around his previously failed attempt to access this light and to do so without community input.

3. Tax dollars should not be spent on this project without community input and evaluation to other more critical improvements needed in Clarksville:

   I contend that there are other projects within Clarksville which represent a higher priority for the use of Tax dollars. One such example is the need for a light at the intersection of Linden Linthicum Lane and 108. Has anyone compared the accidents between the

intersections of 108 and Linden Linthicum lane to the Intersection of 108 and Sheppard Lane?

Although there are discussions that separate project "may" involve a light at the intersection of Linden Linthicum Lane and 108 in the future, the project has a long way to go before being approved. Approving Resolution 3-2019 without comparing other critical needs in the community circumvents the opportunity for appropriate input from the community as well as the potential of reducing accidents as versus the supposed benefit of addressing the 108 and Sheppard Lane intersection.

4. The Possibility of alternative designs which alleviate the concerns over the angle of the existing intersection:

   Although I am not an expert in traffic engineering, there are alternatives that others believe provide a better and lower cost alternative. The lack of community involvement has not allowed these to be discussed and evaluated in a transparent environment.

5. The owner of the property has already benefited enormously by a past decision of the County Council and continues to push the envelope of its use:

   The owner of this property purchased an irregular shaped property which was zoned as R-20 and operated a garden center under conditional use. The owner attempted to rezone the property in 2004 and 2008 but was denied after the community spoke out against it due to concerns over traffic and other potential disturbances should developer move to develop it into a strip mall versus a small café that would support his garden center as he testified in the past. Instead of being happy with his fortune, he continues to push the design to maximize every square foot of the property, regardless of its impact on the community.

6. Lastly, there is an appeal pending F-18-099:

   It is my understanding that an hearing is pending to be scheduled (BA 763-D) by David W. Elsaesser Appeal of a letter from DPZ dated 11/14/18 re: F-18-099, MD Route 108 Improvements & Sheppard Lane Re-alignment determining that Final Subdivison Plans are technically complete for 2.68 acres of land. I feel no decision should be made until the outcome of this appeal is known.

I respectfully submit the above information in support of my position against Resolution 3-2019.

Richard A. Smith

To: Howard County Council

From: The Rev. Dr. Gayle Annis-Forder, Pastor of Linden Linthicum United Methodist Church

Re: CR3-2019

Linden-Linthicum United Methodist church abuts the River Hill Garden Center property on the south side along Route 108. In addition, the Linthicum Chapel Cemetery abuts that property on the north side. Although I do not represent the cemetery officially, most of the burials there are people connected to the church at which I preside.

Both the Church and the cemetery Board actively opposed the granting of variances to make the change at the intersection of Rt. 108 and Sheppard Lane, the same intersection we are discussing tonight.

The church's concerns at that time related to traffic congestion, especially as there would be increased traffic in an already problematic area with the signalized entrance into the RHGC property, encouraging high through-put businesses to locate there. We are concerned about safety on 108 (where the un-signalized intersection at Linden Linthicum Lane and 108 is a danger), the safety of the children at the Hilltop Child Care center on LLUMC's campus with a large increase in numbers of people on and passing through the property, and the challenge to peaceful services and visitations to the cemetery by our members with more patrons.

The River Hill community, through a coalition of LLUMC, Linthicum Chapel cemetery, the River Hill Village Board, several community associations, and groups of parents at Clarksville Elementary and River Hill High School, were united in opposition to the variances due to the impact of connecting the RHGC to the Sheppard Lane intersection with a signalized access. We opposed the granting of variances with significant presence at each of 5 very long evenings, and the variances were denied.

It now seems that the issue that we so forcefully opposed is going forward anyway, without opportunity for the community to weigh in, and using government/taxpayer dollars to do something that will create more traffic and congestion, and will not solve the safety issues that trouble the community, like the lack of a traffic light at Linden Linthicum Lane.

LLUMC finds this very troubling, and are still in opposition to this intersection being engineered for the benefit of one property owner, against the will of a significant number of residents of Clarksville. With the RHGC property located between the church and the cemetery, we are the closest neighbors, with long shared property lines on either side. What happens on that property will have a big impact on us, and what happens there is greatly affected by a signal into the property at the Sheppard Lane intersection.

There is a notable lack of trust between various entities in the community and the owner of the RHGC property. That lack of trust has been earned by lack of candor in community meetings and interactions through many years of the process that leads us to this point. We also find it troubling that the proposal is that a lot of public money be provided for a project unsupported by the community, and without competitive bids.

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

I, Gayle Annis-Forder, have been duly authorized by
(name of individual)

Linden Linthicum United Methodist Church to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR-3 2019 to express the organization's
(bill or resolution number)

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

Printed Name: Gayle Annis-Forder

Signature: Gayle Annis Forder

Date: January 22, 2019

Organization: Linden Linthicum United Methodist Church

Organization Address: 12101 Linden Linthicum Lane Clarksville MD 20129

12101 Linden Linthicum Lane Clarksville MD 20129

Number of Members: 500

Name of Chair/President: Gayle Annis-Forder, pastor; Richard Smith, council chair

This form can be submitted electronically via email to 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.

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

I, NAIMISH PANDYA, have been duly authorized by
(name of individual)

WALNUT GROVE HOMEOWNERS ASSOCIATION to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR-3-2019 to express the organization's
(bill or resolution number)

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

Printed Name: NAIMISH PANDYA

Signature: NP

Date: 1/22/2019

Organization: WALNUT GROVE HOMEOWNERS ASSOC

Organization Address: WALNUT GROVE HOA.

Number of Members: 5

Name of Chair/President: DANIEL GUERE.

This form can be submitted electronically via email to 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.

CR 3 - 2019

Sayers, Margery

From: Doris <dorisisat@gmail.com>
Sent: Wednesday, January 23, 2019 12:57 AM
To: CouncilMail
Cc: elsaessers@gmail.com
Subject: Plan to realign Sheppard to the West

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members,

As a Howard County resident who often must travel MD Route 108 from Beaverbrook to help with grandchildren or visit my daughter's family in River Hill, I am opposed to the plan to realign Sheppard to the west. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108. This will exacerbate traffic congestion MD108 eastbound. After this proposed change, it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection. An extra lane to alleviate traffic congestion on MD108 eastbound is badly needed. I am also opposed to the use of capital funds as proposed in CR-3 2019 because it would be for the benefit of a single developer instead of in the public interest.

Please ensure that, not only, is Howard County and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, but all Howard County taxpayers, and commuters. Decisions and actions should NOT be made in the best interests of a single developer. Please use our tax dollars for road changes that improve the roads for the SAFETY and benefit of Howard County Taxpayers.

Sincerely,

Doris Coleman
5020 Castle Moor Dr.
Columbia, MD 21044

Sayers, Margery

From: Angela Dalton <gigi.dalton@gmail.com>
Sent: Tuesday, January 22, 2019 8:28 PM
To: CouncilMail; Ball, Calvin
Cc: David/Kristina Elsaesser; James Dalton
Subject: My statement from this evening's public hearing

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members and Howard County Executive Dr. Calvin Ball,

Thank you for listening to my testimony this evening and considering my and so many other community members' concerns. As I said at the beginning I have never testified before but I was moved to do so because I am so concerned about CR-3 2019. I have included the text of my testimony below. I once again ask that you reject this resolution.

Testimony:

My name is Angela Dalton and I have been a Clarksville resident since 2012. The majority of Clarksville residents moved here to live in a rural community that is safe and has great schools. This proposal states that the road changes are in the "public's interest," but I and my neighbors take strong exception to that.

It is my view that the only benefit of these so-called improvements will be for the developer of River Hill Square, yet this resolution would force my neighbors and me to pay for the developers' project through tax dollars that would be far better spent on projects that increase the safety, traffic management, and infrastructure for our community. Others have pointed out some of those projects.

I want to express two specific, personal concerns about the road development. The first I share with most members of the community - concern for the effects of the traffic and intersection configuration that is right in the CES and River Hill High School school zones, especially as a parent of two children who are approaching driving age, one who is already at RHHS and the other who just this year moved on to Clarksville Middle School from CES.

My other concern is for my own safety and that of others who are frequent bicyclists. Sheppard Lane is an access to the many regularly used recreational bike routes throughout Western Howard County. The proposed changes make an already problematic road far worse, with greater curvature and worse sight lines (rather than a change that would make the intersection a right angle). It also will make the commuting route for me that traverses that section of 108 from Trotter Road to get to the bike lanes on Great Star even more unsafe.

I oppose this plan and ask that the Council Members and County Executive instead use our tax dollars to make our community better and safer. Please do not approve this plan.

I voted for Dr. Ball as County Executive because of his position stating that he is concerned about development that happens after backroom deals are made without a transparent, open process. There was no pre-submission meeting for this plan and it is not supported by the community who lives here. Please hear our voices and reject this deal.

Sincerely,
Angela Dalton
11716 Trotter Crossing Lane

Clarksville, MD 21029

Sayers, Margery

From: viviana simon <simon_viviana@hotmail.com>
Sent: Tuesday, January 22, 2019 8:10 PM
To: CouncilMail; Ball, Calvin
Cc: elsaessers@gmail.com
Subject: opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Executive Dr. Calvin Ball,
Dear Howard County Council Members,

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound.

Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that improve the roads for the benefit of the community.

Sincerely,

Viviana Simon
6063 Majors Lane
Columbia, MD

Sayers, Margery

From: Sumeet Seth <seth.sumeet@gmail.com>
Sent: Tuesday, January 22, 2019 7:05 PM
To: David/Kristina Elsaesser
Cc: CouncilMail; Ball, Calvin
Subject: Re: Correction, Details on My Opposition to CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dr. Calvin Ball, Howard County Executive,

Howard County Council Members:
Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung, David Yungman,

From - Sumeet Seth
Resident of - 12156 Flowing Water Trail, Clarksville, MD 21029

I join David and Kristina Elsaesser in opposing CR-13 2019. I have reviewed the plans, and agree how it compromises the safety and well being of our community. This one-sided proposal will jeopardize the safety and traffic flow on Route 108. While I cannot be at the meeting in person because of this being in the middle of high school mid-terms, I fully support the rationale of David's submission to Dr. Ball and Howard County Council.

If you need to reach me for any clarifications, I will be happy to talk in person, and will provide my cell phone details as well.

Thanks,
Sumeet Seth

On Tue, Jan 22, 2019 at 6:09 PM David/Kristina Elsaesser <elsaessers@gmail.com> wrote:
Sorry I fixed some typos in the file attached below.
Also concerned citizens who reply to this message should give their name and address.

Elsaesser Opposition to CR-13 2019

On Tue, Jan 22, 2019 at 5:03 PM David/Kristina Elsaesser <elsaessers@gmail.com> wrote:

Dr. Calvin Ball, Howard County Executive,

Howard County Council Members:
Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung, David Yungman

Concerned Howard County Citizens BCCed:
Please review the details of my opposition to CR-3 2019, which is attached to this email in the link below.

If you haven't already expressed your opinions to our county leaders concerning development on MD108 and how developers are moving county roads for their purposes to the detriment of our safety and increased congestion on MD108 please reply to all and express your concerns.

Attached here: Elsaesser Opposition to CR-13 2019 is the detailed explanation and written testimony of my opposition to CR-3 2019.
I have signed up to speak on this issue at the County Council Meeting.

Last week I attended one of Dr. Calvin Ball's Listening sessions at Centennial H.S. and and spoke out about the issues in the paper.

I am opposed to the plan to realign Sheppard to the west and to the expenditure of any capital funds (including $1.26 Million) for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound.

This action to drastically realign our road is being taken without any public meeting to present it before it was developed and approved by DPZ.

Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

If Howard County has $1.3M available to allocate for road construction in River Hill you should give community members input on how that money would be spent. Moving Sheppard lane to the east as I have suggested would be much less expensive than the complex and defective intersection identified in CR-3 2019. At a minimum the county should fund its own independent engineering analysis at a fraction of this cost to obtain an unbiased determination on the best way to re-engineer Sheppard Lane and MD108, as opposed to turning over all this money to a developer that reached the conclusion benefiting themselves.

Hopefully our new County Council and County Executive will reverse this ill-informed decision from the previous administration.

Sincerely,

David W. Elsaesser
5737 Whistling Winds Walk, Clarksville, MD 21029

Sayers, Margery

From: luo wenbo <luowenbo@yahoo.com>
Sent: Tuesday, January 22, 2019 6:46 PM
To: CouncilMail; Ball, Calvin
Cc: elsaessers@gmail.com
Subject: Against CR-3

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Mr. Ball and County Councils,

I live in 5728 Whistling Winds Walk, Clarksville. I am against County Council Resolution CR-3 2019. It will spend $1.26 million county money without really solving an issue that concerns the county residents living in the area.

Professor David Elsaesser has been following the issue for a long time. I believe that he sent you emails about his reasons and his plan. I just want to make one supplement. I saw a few curb-rash accidents happened when cars turning on to 108 West from Sheppard Lane. The county new plan CR-3 will make it even worse. Please consider the opnions from the residents who do live in the area.

Sincerely,
Wenbo Luo

Sayers, Margery

From: Robert Bena <benarobert@hotmail.com>
Sent: Tuesday, January 22, 2019 6:24 PM
To: CouncilMail; Ball, Calvin
Cc: elsaessers@gmail.com
Subject: Opposition to Realignment at Sheppard Lane 1-22-19

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Executive Dr. Calvin Ball and Howard County Council Members,

I am a current resident in River Hill and I am strongly opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound. Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

My daughter attends River Hill High School and I am extremely concerned with what is being recommended.

Sincerely,

Robert Bena
5725 Western Sea Run Clarksville MD 21029

Sayers, Margery

From: David/Kristina Elsaesser <elsaessers@gmail.com>
Sent: Tuesday, January 22, 2019 6:06 PM
To: CouncilMail; Ball, Calvin
Subject: Correction, Details on My Opposition to CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Sorry I fixed some typos in the file attached below.
Also concerned citizens who reply to this message should give their name and address.

Elsaesser Opposition to CR-13 2019

On Tue, Jan 22, 2019 at 5:03 PM David/Kristina Elsaesser <elsaessers@gmail.com> wrote:

Dr. Calvin Ball, Howard County Executive,

Howard County Council Members:
Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung, David Yungman

Concerned Howard County Citizens BCCed:
Please review the details of my opposition to CR-3 2019, which is attached to this email in the link below.
If you haven't already expressed your opinions to our county leaders concerning development on MD108 and how developers are moving county roads for their purposes to the detriment of our safety and increased congestion on MD108 please reply to all and express your concerns.

Attached here: Elsaesser Opposition to CR-13 2019 is the detailed explanation and written testimony of my opposition to CR-3 2019.
I have signed up to speak on this issue at the County Council Meeting.

Last week I attended one of Dr. Calvin Ball's Listening sessions at Centennial H.S. and and spoke out about the issues in the paper.

I am opposed to the plan to realign Sheppard to the west and to the expenditure of any capital funds (including $1.26 Million) for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound.

This action to drastically realign our road is being taken without any public meeting to present it before it was developed and approved by DPZ.

Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best

interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

If Howard County has $1.3M available to allocate for road construction in River Hill you should give community members input on how that money would be spent. Moving Sheppard lane to the east as I have suggested would be much less expensive than the complex and defective intersection identified in CR-3 2019. At a minimum the county should fund its own independent engineering analysis at a fraction of this cost to obtain an unbiased determination on the best way to re-engineer Sheppard Lane and MD108, as opposed to turning over all this money to a developer that reached the conclusion benefiting themselves.

Hopefully our new County Council and County Executive will reverse this ill-informed decision from the previous administration.

Sincerely,

David W. Elsaesser
5737 Whistling Winds Walk, Clarksville, MD 21029

Sayers, Margery

From: Jack Sacchetti <jacksacchetti@msn.com>
Sent: Tuesday, January 22, 2019 5:26 PM
To: CouncilMail; Ball, Calvin
Cc: David/Kristina Elsaesser
Subject: Fw: Details on My Opposition to CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I strongly support the the position of Mr. Elsaesser set forth below. I believe it would be prudent for the Council to study this road construction proposal thoroughly and any expense be closely scrutinized. Expenditure of county monies for the road as proposed below is not an appropriate expenditure of county funds.

John M Sacchetti

From: David/Kristina Elsaesser <elsaessers@gmail.com>
Sent: Tuesday, January 22, 2019 5:03 PM
To: councilmail@howardcountymd.gov; calvinball@howardcountymd.gov
Subject: Details on My Oppyosition to CR-3 2019

Dr. Calvin Ball, Howard County Executive,

Howard County Council Members:
Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung, David Yungman

Concerned Howard County Citizens BCCed:
Please review the details of my opposition to CR-3 2019, which is attached to this email in the link below.
If you haven't already expressed your opinions to our county leaders concerning development on MD108 and how developers are moving county roads for their purposes to the detriment of our safety and increased congestion on MD108 please reply to all and express your concerns.

Attached here: Elsaesser Opposition to CR-13 2019 is the detailed explanation and written testimony of my opposition to CR-3 2019.
I have signed up to speak on this issue at the County Council Meeting.

Last week I attended one of Dr. Calvin Ball's Listening sessions at Centennial H.S. and and spoke out about the issues in the paper.

I am opposed to the plan to realign Sheppard to the west and to the expenditure of any capital funds (including $1.26 Million) for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound.

This action to drastically realign our road is being taken without any public meeting to present it before it was developed and approved by DPZ.

Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

If Howard County has $1.3M available to allocate for road construction in River Hill you should give community members input on how that money would be spent. Moving Sheppard lane to the east as I have suggested would be much less expensive than the complex and defective intersection identified in CR-3 2019. At a minimum the county should fund its own independent engineering analysis at a fraction of this cost to obtain an unbiased determination on the best way to re-engineer Sheppard Lane and MD108, as opposed to turning over all this money to a developer that reached the conclusion benefiting themselves.

Hopefully our new County Council and County Executive will reverse this ill-informed decision from the previous administration.

Sincerely,

David W. Elsaesser
5737 Whistling Winds Walk, Clarksville, MD 21029

Sayers, Margery

From: K Yoder <kyoder05@gmail.com>
Sent: Tuesday, January 22, 2019 5:22 PM
To: CouncilMail
Subject: Opposition to CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members: Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung, and David Yungman

Portions of the message below may be cut and pasted from a sample, but my opposition to this plan is my own and is very personal: my child attends River Hill High School and will very soon be a rookie driver, along with hundreds of her classmates. In addition, Rte 108 is quite literally "the road to grandmother's house." I'm asking the county not to take taxpayer funds to make my child's likely first solo driving experiences less safe. And I ask this for the parents of all of the children who attend Clarksville Elementary School and River Hill High School.

I deeply believe that Rte 108 is in need of improvement to relieve traffic congestion and to improve safety, but it would be preferable to do nothing than to do the plan proposed in CR-3 2019.

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound.

Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that improve the roads for the benefit of the community.

Sincerely,

Karen Yoder
12009 Floating Clouds Path
Clarksville, MD 21029

Sayers, Margery

From: David/Kristina Elsaesser <elsaessers@gmail.com>
Sent: Tuesday, January 22, 2019 5:04 PM
To: CouncilMail; Ball, Calvin
Subject: Details on My Opposition to CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dr. Calvin Ball, Howard County Executive,

Howard County Council Members:
Liz Walsh, Opel Jones, Christiana Mercer Rigby, Deb Jung, David Yungman

Concerned Howard County Citizens BCCed:
Please review the details of my opposition to CR-3 2019, which is attached to this email in the link below.
If you haven't already expressed your opinions to our county leaders concerning development on MD108 and how developers are moving county roads for their purposes to the detriment of our safety and increased congestion on MD108 please reply to all and express your concerns.

Attached here: Elsaesser Opposition to CR-13 2019 is the detailed explanation and written testimony of my opposition to CR-3 2019.
I have signed up to speak on this issue at the County Council Meeting.

Last week I attended one of Dr. Calvin Ball's Listening sessions at Centennial H.S. and and spoke out about the issues in the paper.

I am opposed to the plan to realign Sheppard to the west and to the expenditure of any capital funds (including $1.26 Million) for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound.

This action to drastically realign our road is being taken without any public meeting to present it before it was developed and approved by DPZ.

Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

If Howard County has $1.3M available to allocate for road construction in River Hill you should give community members input on how that money would be spent. Moving Sheppard lane to the east as I have suggested would be much less expensive than the complex and defective intersection identified in CR-3 2019. At a minimum the county should fund its own independent engineering analysis at a fraction of this cost to obtain an unbiased determination on

the best way to re-engineer Sheppard Lane and MD108, as opposed to turning over all this money to a developer that reached the conclusion benefiting themselves.

Hopefully our new County Council and County Executive will reverse this ill-informed decision from the previous administration.

Sincerely,

David W. Elsaesser
5737 Whistling Winds Walk, Clarksville, MD 21029

Sayers, Margery

From: Tim Shaw <tlshaw01@gmail.com>
Sent: Tuesday, January 22, 2019 4:58 PM
To: Ball, Calvin; CouncilMail
Cc: David/Kristina Elsaesser; Shawn Shaw
Subject: Council Resolution CR-3 2019 - Residential Opposition

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Dr. Ball,

I am writing to you regarding Council Resolution CR-3 2019, which has to do with construction at the River Hill Garden Center (or River Hill Square) and the realignment of the intersection of Route 108 and Sheppard Lane.

I am vehemently opposed to the plan that you are considering, and am beside myself as to how we got to this point. My neighbors and I expended much time and energy during the last few years to fight the zoning go-round regarding this property and Sheppard Lane……and now, we have to start over and fight a new round of planned construction and a planned realignment of that intersection.

I am vehemently opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. My teenaged kids drive on these roads, and the proposed changes put them at more risk.

Please ensure that the County and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters…….and not in the best interests of a single developer. Please use our tax dollars for road changes that actually improve the roads for the benefit of the community.

I voted for you, Dr. Ball, because I wanted someone in your office who would look out for the residents, not the developers. Now, without a pre-submission hearing and outside the purview of the people impacted the most, the County has decided to let developers over-build on what is already a dangerous and congested stretch of road.

Addtionally, how does this construction and realignment fit within the vision for Route 108 in Clarksville that the County has long touted? This resolution, if approved, throws that plan out the window.

I'm upset, and I do hope that you take residents' complaints seriously. We pay a lot of money (and taxes!) to live where we do, and we've complained for almost a decade now about the haphazard process by which these types of projects are approved. Please stand up for the residents and reject CR-3 2019……I'm counting on you, Dr. Ball, and on the County Council, to do the right thing.

Sincerely,

Tim

Timothy and Shawn Shaw

5729 Whistling Winds Walk

Clarksville, MD 21029

Cell: 410.336.1027

Sayers, Margery

From: Albert Zanger <ajzanger@gmail.com>
Sent: Tuesday, January 22, 2019 4:55 PM
To: CouncilMail; Feldmark, Jessica; djungmann@howardcountymd.gov
Subject: CR-3-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

David, Jessica, et all,

It is my understanding that a hearing concerning resolution CR-3-2019 is being held this evening at 7 PM. The purpose of this is to waive competitive bidding and allow over $1.2 million of taxpayer funds to be spent on road improvements for a developer and his business.

Unless I am missing something here, I am writing to request that this resolution not be approved. First, I do not understand how taxpayer funds should be spent for private business gain. Why aren't the developers paying for the road improvements?

Second, if there is some reason I do not understand that would require the taxpayers to fund road improvements for the benefit of private business, I am requesting that the competitive bid process not be waived. Competitive bidding is a mandatory requirement for all government acquisitions unless there are dire circumstances involving things like life and death.

If this amendment is passed, I will do everything possible to vote out every public official within the oversight and approval process at the earliest opportunity.

Thank you for your support.

Al Zanger

Sayers, Margery

From: CAROL STOVER <carolstvr56@gmail.com>
Sent: Tuesday, January 22, 2019 4:48 PM
To: CouncilMail
Subject: Sheppard Lane realighment

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I am opposed to the realignment of Sheppard Lane to the West. An eastern realignment would be more efficient .
Carol Stover
11450 High Hay Drive
Columbia MD

Sayers, Margery

From: Keivan Ghoseiri <keivan_g@yahoo.com>
Sent: Tuesday, January 22, 2019 4:18 PM
To: CouncilMail; Ball, Calvin
Cc: David/Kristina Elsaesser; Azadeh Norouzi
Subject: Opposition of CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Executive Dr. Calvin Ball,
Dear Howard County Council Members,

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound. Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

Sincerely,

Keivan Ghoseiri and Azadeh Norouzi
5749 Whistling Winds Walk,
Clarksville, MD 21029

Sayers, Margery

From: Susan Koehler <susankoehler_15@yahoo.com>
Sent: Tuesday, January 22, 2019 1:51 PM
To: CouncilMail; Ball, Calvin
Cc: elsaessers@gmail.com
Subject: Re: Opposition to CR-3 2019 Reallignment of Sheppard Lane

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Here are more details:

The RHGC (Riverhill Garden Center) was required by County Law to give a community pre-submission meeting on this plan, but they DID NOT because they knew the community would be opposed!

Their plan produces a dangerously curved Sheppard Lane that does not conform to county road design requirements. Specifically, RHGC is excessively bending the last several hundred feet of Sheppard Lane as it approaches MD108 into a roller coaster configuration in order to enable a signalized entrance at the Sheppard signal.

This Road configuration will make traffic congestion on MD108 much worse due to the extra delays at this signal for the shopping traffic and it will make the single lane eastbound bottleneck of MD108 at Sheppard lane permanent, preventing the addition of an extra east bound MD108 through lane to alleviate traffic congestion on MD108 East.
Click here to show the Westward realignment of Sheppard Lane:

WestRelocationOfSheppard.PNG

This section of MD108 is our School Zone for River Hill High School and Clarksville Elementary School. River Hill, Clarksville, Dayton, and Highland use these roads gets to the schools and to points east. These are our roads! The RHGC is taking over our roads and relocating Sheppard for its purpose of maximizing use of this triangular property as a high-throughput shopping center! The RHGC current entrance is perfectly sufficient and most businesses on MD108 do not have a signalized entrance.

There is a much better realignment of Sheppard to the east on MD108, using an existing right-of-way that the County set aside for this purpose. This configuration is better for the community, since it provides a safer Sheppard Lane, brought more gently into a standard perpendicular intersection and better traffic flow on MD108. This Sheppard configuration allows adding an extra MD108 through lane at the Sheppard intersection to enhance traffic flow to the east.
Click here to show the superior Eastward realignment of Sheppard:

EastRelocationOfSheppard.PNG

This is because the purpose of the Sheppard configuration is to align with the RHS entrance which runs along the east side of the RHGC triangular property which is aligned with the current Sheppard lane. For safety and sight lines a standard 90 degree/perpendicular intersection is preferred.

A far superior realignment of Sheppard Lane is to bend Sheppard gently to the east as it approaches MD108. The curved yellow line to the east of Sheppard shown in both figures, which is bending to the east away from Sheppard, reserves a

right-of-way between the road and the residential properties of Clearview Estates. On the plat the purpose of this right-of-way is identified as "for the purpose of a road". Therefore, county planners had previously established that the best way to realign Sheppard Lane would be to gently bend it to the east as it approaches MD108, easily bringing it into a standard and safer 90 degree/perpendicular intersection. In addition, the terrain on the east side of Sheppard is far less steep compared with the west side (Limestone Valley Farm). Therefore, the gentle (single direction) bending and the smaller elevation rise will make the east realignment far safer and better for vehicles on Sheppard Lane.

It is important to remember that the Sheppard Lane/MD108 intersection is in the school zone and many new and inexperienced high school drivers will be traveling through this intersection and onto and off of Sheppard Lane. Therefore, the county should put extra effort in providing both a safe realignment of Sheppard and a safe Sheppard/MD108 intersection.

The movement of Sheppard to the east allows an extra through lane to the east on MD108. This will greatly alleviate traffic congestion on MD108 eastbound. This 5 lane section of road would be consistent with the 5-lane section of MD108 which already exists from Ten Oaks to Linden Linthicum Lane. The Highway Needs Inventory regional transportation plan calls for MD108 to be a 5 lane road between MD32 and MD29 and the east realignment complies with that plan. This 5 lane section road also allows for better movement of emergency vehicles, including fire engines, even during rush hour, to the east past the Sheppard intersection to the schools and to the residential communities east of Sheppard.

In regards to the latter, I have witnessed numerous horrible accidents in front of the Riverhill High School and the Clarksville Middle School and the intersection in front of Trotter Rd. due to poor visibility, on the East bound traffic past Sheppard Lane and the fast traffic that comes downhill going west on 108. It is especially bad during icy conditions and fog. It is essential that emergency vehicles can easily approach from the east on 108!

Sent from Yahoo Mail for iPhone

On Tuesday, January 22, 2019, 1:12 PM, Susan Koehler <susankoehler_15@yahoo.com> wrote:

Dear Howard County Executive Dr. Calvin Ball,
Dear Howard County Council Members,

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound. Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

Furthermore, any changes at this stretch of MD108 and Sheppard Lane should take into consideration proposed changes that could come as a result of the Erickson Development on the property along this stretch.

Sincerely,

Susan Koehler and John Hartung

6420 Misty Top Pass
Columbia, MD 21044

Sent from Yahoo Mail for iPhone

Sayers, Margery

From: Susan Koehler <susankoehler_15@yahoo.com>
Sent: Tuesday, January 22, 2019 1:13 PM
To: CouncilMail; Ball, Calvin
Cc: elsaessers@gmail.com
Subject: Opposition to CR-3 2019 Reallignment of Sheppard Lane

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Executive Dr. Calvin Ball,
Dear Howard County Council Members,

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound. Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

Furthermore, any changes at this stretch of MD108 and Sheppard Lane should take into consideration proposed changes that could come as a result of the Erickson Development on the property along this stretch.

Sincerely,

Susan Koehler and John Hartung
6420 Misty Top Pass
Columbia, MD 21044

Sent from Yahoo Mail for iPhone

Sayers, Margery

From: Jung, Deb
Sent: Tuesday, January 22, 2019 1:09 PM
To: Sayers, Margery
Subject: FW: CR 3-2019 - Written Testimony

From: Joseph Key <jkey69@gmail.com>
Sent: Tuesday, January 22, 2019 11:35 AM
To: Jung, Deb <djung@howardcountymd.gov>
Cc: Williams, China <ccwilliams@howardcountymd.gov>
Subject: Fwd: CR 3-2019 - Written Testimony

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Ms. Jung -

I wanted to forward you my written testimony in opposition to CR 3-2019, which is on tonight's council agenda.

I am a resident of District 4 and want to express how important this issue is to me and to my fellow District 4 residents. I sincerely hope that you and your colleagues will step back and take a more comprehensive and coordinated view of the MD 108 corridor and the MD 108 / Sheppard Lane intersection that takes into account all of the proposed development along MD 108 so that road and traffic improvement decisions are made with the overall bigger development picture in mind. I see this as an opportunity for the County Council and the Department of Public Works to ensure that the traffic and road needs of the local residents are met by taking a bigger picture view and not a piecemeal, development by development approach that satisfies the needs of individual developers but leaves the road and traffic improvements unsatisfactory over the course of the entire corridor. A developer's interest only goes as far as their individual development boundaries so we need you and your Council colleagues to require a solution that takes into account all of the development in this particular area.

As noted in my testimony, I welcome the development and the return of the River Hill Garden Center, the return of the promised Clarksville Post Office and the Erickson retirement community. My testimony also includes a suggestion to consider a Developer Agreement with multiple developers and the County to formulate a better road and traffic improvement plan than the one currently proposed by the River Hill Garden Center developer. While I am sure this is a more complex task, the local residents who travel MD 108 and Sheppard Lane every day deserve the time and effort required for a comprehensive and coordinated plan even if it means scrapping the proposed Developer Agreement and coming up with a new agreement that includes multiple developers. This is one suggestion and I am sure there are other means for achieving a better solution than the one currently proposed.

The current proposal is a Win for this developer. I urge you and the Council to require a solution, especially since our tax dollars are being used, that is a Win-Win-Win - Win for the River Hill Garden Center developer, Win for the Erickson continuing care community developer and Win for the local residents because of comprehensive road and traffic improvements.

I am happy to discuss this with you more by phone.

I thank you very much for your time and consideration of my concerns and testimony on this issue.

Respectfully,
Joseph Key
12033 Floating Clouds Path
Clarksville, MD 21029
410-531-5372
jkey69@gmail.com

---------- Forwarded message ---------
From: **Joseph Key** <jkey69@gmail.com>
Date: Mon, Jan 21, 2019 at 9:38 PM
Subject: CR 3-2019 - Written Testimony
To: <councilmail@howardcountymd.gov>, <calvinball@howardcountymd.gov>

Dear Mr. Ball and Members of the Howard County Council -

My name is Joseph Key and I am a resident of Howard County in the Village of River Hill. I am writing to express my opposition to Council Resolution (CR) 3-2019 in its current form with the proposed road improvements as illustrated in Exhibit 1 of CR 3-2019.

I strongly urge you :

1) to take a more comprehensive look at the MD 108 and Sheppard Lane road improvements that takes into account both the development proposed by River Hill Square LLC for the redevelopment of the River Hill Garden Center AND the development proposed by Erickson Living Properties II, LLC for the development of a continuing care retirement community "Erickson at Limestone Valley" on the corner of MD 108 and Sheppard Lane; and

2) to coordinate the road improvements between the developers of both projects such that an overall road improvement plan better aligns the Sheppard Lane and MD 108 intersection closer to the ideal intersection angle of 90 degrees and widens MD 108 in both directions to account for thru traffic in both directions as well as appropriate access to both developments.

An intersection that is closer to 90 degrees will be a safer solution for the residents of surrounding communities including for parents and students driving to River Hill High School. A widened MD 108 will provide for an appropriate number of thru lanes in both directions, including the opportunity for bike lanes, without creating any bottlenecks as you transit MD 108 past both development projects.

Generally, I welcome both development projects as improvements to the community. I look forward to the re-opening of the River Hill Garden Center as well as new shops and the return of the Clarksville Post Office. I also welcome an Erickson continuing care retirement community.

Please take this opportunity to work in cooperation with both developers so that a comprehensive and coordinated plan is developed for the benefit of the surrounding communities. Please consider a single Developer Agreement with both developers that partners both developers with the county for the benefit of the surrounding communities.

Thank you for not rushing into a decision when there is an opportunity to formulate a better plan for MD 108 and the MD 108 / Sheppard Lane intersection.

Respectfully,
Joseph Key
12033 Floating Clouds Path

Clarksville, MD 21029
410-531-5372
jkey69@gmail.com

Sayers, Margery

From: Nick Hernick <nhernick@gmail.com>
Sent: Tuesday, January 22, 2019 12:58 PM
To: CouncilMail
Cc: elsaessers@gmail.com
Subject: CR-3 2019 I oppose this as 19 year resident of this area and Howard county

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members,

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound. Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

Sincerely,

Nicholas and Nancy Hernick
5817 Silent Sun Place
Clarksville, MD 21029
410-718-3490

Sayers, Margery

From: bobgto65@aol.com
Sent: Tuesday, January 22, 2019 11:26 AM
To: debbarker@comcast.net; elsaessers@gmail.com; Ball, Calvin; CouncilMail
Subject: Re: W/attachment: Sheppard Lane/Route 108 intersection change request by River Hill Garden Center

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I cannot attend but I oppose the CR-3 2019

Robert W. Antelman
13844 Russell Zepp Drive
Clarksville, MD 21029

-----Original Message-----
From: Deb Barker <debbarker@comcast.net>
To: Deb Barker <debbarker@comcast.net>
Sent: Tue, Jan 22, 2019 10:13 am
Subject: W/attachment: Sheppard Lane/Route 108 intersection change request by River Hill Garden Center

This time…with attachment.

Hello all,

Apparently this meeting was not made public until today. It's being held tonight, Tuesday, Jan 22, 7pm, 3430 Courthouse Drive, Ellicott City, 21043.

Here are details behind the assertions (also attached full PDF to see graphics and complete info I was provided).

"In order maximize the re-development of the River Hill Garden Center (RHGC) site as a high-throughput shopping center (called River Hill Square, RHS) the owner and developers are proposing to add a signalized entrance at the corner of their property near the Linthicum Cemetery. This requires alignment with Sheppard Lane which they would accomplish by moving Sheppard Lane to the West onto the Limestone Valley Farm and shifting the traffic signal to the west as well. The new Sheppard will traverse very hill terrain as it bends first to the west and then back towards the east. They are turning the last several hundred feet of Sheppard as it approaches MD108 into a ROLLER COASTER. The new Sheppard DOES NOT MEET County Road Design Guidelines because it has a high curvature, both horizontally and vertically. However, the County granted a waiver for the sub-standard road because the RHGC developer said that it was the only way to realign Sheppard lane to for an improvement in Sheppard and MD108. This is FALSE!"

If you would like to testify against CR-3 2019 and against the plan to realign Sheppard to the West for the sole benefit of the RHGC. You have up to 3 minutes to speak. See the PDF to click to sign up to testify.

If you don't want to testify but are opposed to this resolution and support the position that developers of the properties along this section of MD108 should be required to actually improve the roads not for themselves but for the community, please let me know and I will ask you to stand up to support my testimony.

EMAIL Opposition of CR-3 2019 to County Council and Count Executive
councilmail@howardcountymd.gov
calvinball@howardcountymd.gov
Please CC me at elsaessers@gmail.com

Please email the county council and the county executive, Calvin Ball, and tell them that you are opposed to the plan to realign Sheppard to the west and that the county and its Planning and Zoning 17 January 2019

Deborah Appel Barker
DAA Design + Production
301-873-1691
Deborah Appel Barker
DAA Design + Production
301-873-1691

Sayers, Margery

From: Sue <sue.rasheed@gmail.com>
Sent: Tuesday, January 22, 2019 11:16 AM
To: CouncilMail
Cc: elsaessers@gmail.com
Subject: CR-3

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To the County Council:

I am a resident in Howard County and am opposed to CR-3 2019 . The 108/Shepherd Lane intersection is already a mess and the modification being proposed by RHGC in no way addresses the current issue and will in fact increase the problems. New development should improve the community not add to its problems.

Sincerely
Susan Rasheed
11226 Peartree Way
Columbia MD. 21044
410-992-6789
Sue.rasheed@gmail.com

Sayers, Margery

From: Phyllis Kelley <thekelleyfamily4@verizon.net>
Sent: Tuesday, January 22, 2019 9:59 AM
To: CouncilMail
Cc: elsaessers@gmail.com
Subject: Opposition of CR-3 2019 to County Council and Count Executive

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members,

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. This proposed change is in our school zone with many inexperienced high school drivers, and soon, with the development of the retirement community, elderly drivers will also be navigating this dangerous stretch of congested road.

After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound. Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the safety and best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

Sincerely,

Phyllis and Warren Kelley
5709 Whistling Winds Walk
Clarksville, MD 21029

Sayers, Margery

From: Amanda Mariano Brooks <acmariano@gmail.com>
Sent: Tuesday, January 22, 2019 8:35 AM
To: Ball, Calvin; CouncilMail
Cc: elsaessers@gmail.com
Subject: Road Expansion on 108 in Clarksville

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

As a citizen of Clarksville and a parent of a CES student, I urge you to consider the inpact of the decision to alter traffic patterns at the request of a developer at the cost of tax payer dollars. The proposal will drastically alter traffic for the schools in this area. Please do not spend tax payer money on a proposal that will not improve our community for our children.

Thank you,

Amanda Brooks

Sayers, Margery

From: Diane Mason <diane.b.mason@gmail.com>
Sent: Tuesday, January 22, 2019 7:15 AM
To: CouncilMail; Ball, Calvin
Cc: Kristina and David Elsaesser; Mark Mason
Subject: Opposition to plan to realign Sheppard Lane Intersection in Clarksville

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Executive Dr. Calvin Ball and Howard County Council Members,

I am emailing to let you know of my opposition to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound.

Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

I am an active community member living in Clarksville since 2004 with two high school children at River Hill High School - I am very concerned about the safety of this intersection.

I will be attending the meeting tonight to show my opposition to this proposed intersection.

Sincerely,

Diane Mason
12116 Shining Stars Lane
Clarksville, MD 21029

Sayers, Margery

From: James Dalton <james.w.dalton@gmail.com>
Sent: Tuesday, January 22, 2019 6:45 AM
To: CouncilMail; Ball, Calvin
Cc: David/Kristina Elsaesser; Angela Dalton

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Executive Dr. Calvin Ball,
Dear Howard County Council Members,

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound. Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

Sincerely,

James and Angela Dalton,
11716 Trotter Crossing Ln
Clarksville MD 21029

Sayers, Margery

From: Jack Sacchetti <jacksacchetti@msn.com>
Sent: Monday, January 21, 2019 11:42 PM
To: CouncilMail; Ball, Calvin
Cc: David/Kristina Elsaesser
Subject: Objection to CR-3 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Executive Dr. Calvin Ball,
Dear Howard County Council Members,

I am opposed to the plan to realign Sheppard to the west and to expend any capital funds for this purpose as proposed in CR-3 2019, because it is not in the public interest and it is obviously in the interest of a single developer. It introduces a dangerous curve onto Sheppard Lane as it approaches MD108 and will exacerbate traffic congestion on MD108 eastbound. After this proposed change it would no longer be possible to add an extra MD108 eastbound through lane at the Sheppard Lane intersection to alleviate traffic congestion on MD108 eastbound. Please ensure that the county and its Planning and Zoning Department (DPZ) are acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for road changes that actually improves the roads for the benefit of the community.

Sincerely,

John M Sacchetti

6000 Same Voyage Way #304
Clarksville, MD 21029

Sayers, Margery

From: Joseph Key <jkey69@gmail.com>
Sent: Monday, January 21, 2019 9:39 PM
To: CouncilMail; Ball, Calvin
Subject: CR 3-2019 - Written Testimony

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Mr. Ball and Members of the Howard County Council -

My name is Joseph Key and I am a resident of Howard County in the Village of River Hill. I am writing to express my opposition to Council Resolution (CR) 3-2019 in its current form with the proposed road improvements as illustrated in Exhibit 1 of CR 3-2019.

I strongly urge you :

1) to take a more comprehensive look at the MD 108 and Sheppard Lane road improvements that takes into account both the development proposed by River Hill Square LLC for the redevelopment of the River Hill Garden Center AND the development proposed by Erickson Living Properties II, LLC for the development of a continuing care retirement community "Erickson at Limestone Valley" on the corner of MD 108 and Sheppard Lane; and

2) to coordinate the road improvements between the developers of both projects such that an overall road improvement plan better aligns the Sheppard Lane and MD 108 intersection closer to the ideal intersection angle of 90 degrees and widens MD 108 in both directions to account for thru traffic in both directions as well as appropriate access to both developments.

An intersection that is closer to 90 degrees will be a safer solution for the residents of surrounding communities including for parents and students driving to River Hill High School. A widened MD 108 will provide for an appropriate number of thru lanes in both directions, including the opportunity for bike lanes, without creating any bottlenecks as you transit MD 108 past both development projects.

Generally, I welcome both development projects as improvements to the community. I look forward to the re-opening of the River Hill Garden Center as well as new shops and the return of the Clarksville Post Office. I also welcome an Erickson continuing care retirement community.

Please take this opportunity to work in cooperation with both developers so that a comprehensive and coordinated plan is developed for the benefit of the surrounding communities. Please consider a single Developer Agreement with both developers that partners both developers with the county for the benefit of the surrounding communities.

Thank you for not rushing into a decision when there is an opportunity to formulate a better plan for MD 108 and the MD 108 / Sheppard Lane intersection.

Respectfully,
Joseph Key
12033 Floating Clouds Path
Clarksville, MD 21029
410-531-5372
jkey69@gmail.com

Sayers, Margery

From: Steve Breeden <sbreeden@sdcgroup.com>
Sent: Monday, January 21, 2019 4:05 PM
To: CouncilMail
Subject: Council Resolution 3-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

January 21st, 2019

Council Members,

CR 3's purpose is not to approve or deny the realigned Sheppard Lane, but only to allow River Hill Square LLC (SDC) to construct the project without going through the bidding process. A delay in this construction will delay a return of the Post Office to Clarksville. Many residents of Clarksville and the Post Office itself, very much want it back as soon as possible, since it was closed in 2011. A traffic light at the realigned Sheppard Lane is a Post Office requirement.

The public purpose is that SDC, which has done similar projects for the county, can be more efficient than other contractors would be, as we will construct the work at the same time, and with the same contractors, as the rest of the Route 108 and Site Development plan improvements. The Sheppard Lane realignment plans are already approved by Howard County and the State Highway Administration.

I am aware that a certain Clarksville resident has a grudge against the former garden center owner, since at least 2010. The garden center was operating in this location since before his home was built. That garden center owner has since moved out of state.

The proper venue for a dissatisfied resident is through the appeal process. In fact, he has appealed not only the Sheppard Lane realignment, but also the Site Development plan, both of which plans are approved by Howard County and the State Highway Administration.

Steve Breeden

Steven K. Breeden
c/o Security Development
8480 Baltimore National Pike
Suite 415,
Ellicott City, MD 21043

SBreeden@SDCGroup.com
Direct 410-465-2359
(w) 410-465-4244 x 1107
(c) 443-250-9921

www.SDCProperties.com

Sayers, Margery

From: Jinfeng Tian <tian0025@umn.edu>
Sent: Monday, January 21, 2019 11:02 AM
To: CouncilMail; Ball, Calvin
Cc: elsaessers@gmail.com
Subject: Fwd: FW: CRITICAL! Please attend County Council Meeting on 22 Jan at 7pm to oppose plan for spending $1.26 Million in Ho Co Tax dollars to make a BAD Sheppard Lane Intersection that WILL make MD108 traffic worse!

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear respected Council Members,

As a father driving my son on 108 every school day, I oppose the CR-3.

Thanks

Jinfeng Tian

-------- Forwarded Message --------
Subject:FW: CRITICAL! Please attend County Council Meeting on 22 Jan at 7pm to oppose plan for spending $1.26 Million in Ho Co Tax dollars to make a BAD Sheppard Lane Intersection that WILL make MD108 traffic worse!
Date: Mon, 21 Jan 2019 15:58:11 +0000
From: Tian, Jinfeng <Jinfeng.Tian@fda.hhs.gov>
To: Jinfeng Tian <tian0025@umn.edu>

From: Guo, Rong
Sent: Friday, January 18, 2019 9:22 AM
To: VP_Clarksville <VP_Clarksville@fda.hhs.gov>
Subject: FW: CRITICAL! Please attend County Council Meeting on 22 Jan at 7pm to oppose plan for spending $1.26 Million in Ho Co Tax dollars to make a BAD Sheppard Lane Intersection that WILL make MD108 traffic worse!

Dear all,

If you are annoyed by the increasingly heavy traffic on 108 like me, please make an effort to attend the county council meeting on January 22, 7 pm, at county courthouse to testify or just show up to oppose CR-3, to limit the over-development of River Hill Garden Center. Or you can email Opposition of CR-3 2019 to County Council and Count Executive. RHGC is asking the county to pay our tax dollars to modify Sheppard Lane traffic light, for their own benefit, and sacrificing our traffic! Please read the below email for details.

I will attend the meeting and testify. Please join me, join our many disappointed neighbors, to make our voice heard!

Thank you!

Rong

Location: 3430 Courthouse Drive, Ellicott City - 21043
January 22 at 7pm

Banneker Room, George Howard Building

Click here to sign up to testify

Begin forwarded message:

Dear Neighbors, (please forward to other local residents and commuters on MD108, see below for ACTIONS where you can help)

The River Hill Garden Center (RHGC), redeveloping as the River Hill Square (RHS), has put together a SECRET and OUTRAGEOUS road plan for Sheppard Lane and MD108 (Clarksville Pike) that is beneficial for them but horrible for community!

The RHGC is asking the County to pay 1.26 Million of our tax dollars to fund this movement of Sheppard in Council Resolution CR-3 2019, to be considered at the 22 Jan Council Meeting. Our tax dollars are being used to make our roads less safe and exacerbate traffic congestion on MD108.

And there will be NO TRAFFIC SIGNAL AT LINDEN LINTHICUM LANE! This is where the county should be spending our tax dollars!

The RHGC was required by County Law to give a community pre-submission meeting on this plan, but they DID NOT because they knew the community would be opposed!

Their plan produces a dangerously curved Sheppard Lane that does not conform to county road design requirements. Specifically, RHGC is excessively bending the last several hundred feet of Sheppard Lane as it approaches MD108 into a roller coaster configuration in order to enable a signalized entrance at the Sheppard signal.

This Road configuration will make traffic congestion on MD108 much worse due to the extra delays at this signal for the shopping traffic and it will make the single lane eastbound bottleneck of MD108 at Sheppard lane permanent, preventing the addition of an extra east bound MD108 through lane to alleviate traffic congestion on MD108 East. Click here to show the Westward realignment of Sheppard Lane:

WestRelocationOfSheppard.PNG

This section of MD108 is our School Zone for River Hill High School and Clarksville Elementary School. River Hill, Clarksville, Dayton, and Highland use these roads gets to the schools and to points east. These are our roads! The RHGC is taking over our roads and relocating Sheppard for its purpose of maximizing use of this triangular

property as a high-throughput shopping center! The RHGC current entrance is perfectly sufficient and most businesses on MD108 do not have a signalized entrance.

There is a much better realignment of Sheppard to the east on MD108, using an existing right-of-way that the County set aside for this purpose. This configuration is better for the community, since it provides a safer Sheppard Lane, brought more gently into a standard perpendicular intersection, and better traffic flow on MD108. This Sheppard configuration allows adding an extra MD108 through lane at the Sheppard intersection to enhance traffic flow to the east.
Click here to show the superior Eastward realignment of Sheppard:

EastRelocationOfSheppard.PNG

ACTIONS:

Please attend the County Council Meeting on Tuesday, Jan 22, 7pm, 3430 Courthouse Drive, Ellicott City, 21043, and testify against CR-3 2019 and against the plan to realign Sheppard to the West for the sole benefit of the RHGC. You have up to 3 minutes to speak, but you have to click here to sign up to testify: Click here: Jan 22, 2019 County Council Meeting Information and Sign Up to Testify

If you don't want to testify but are opposed to this resolution and support the position that developers of the properties along this section of MD108 should be required to actually improve the roads not for themselves but for the community, please let me know and I will ask you to stand up to support my testimony.

EMAIL Opposition of CR-3 2019 to County Council and Count Executive

councilmail@howardcountymd.gov
calvinball@howardcountymd.gov
Please CC me at elsaessers@gmail.com

Please email the county council and the county executive, Calvin Ball, and tell them that you are opposed to the plan to realign Sheppard to the west and that the county and its Planning and Zoning Department (DPZ) should be acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Tell them to use our tax dollars for a road changes that actually improves the roads for benefits the community.

Sincerely,

Dave

David Elsaesser
5737 Whistling Winds Walk
Clarksville, MD 21029

Here are more details behind the assertions above.

In order maximize the re-development of the RHGC site as a high-throughput shopping center (called River Hill Square, RHS) the owner and developers are proposing to add a signalized entrance at the corner of their property near the Linthicum Cemetery. This requires alignment with Sheppard Lane which they would accomplish by moving Sheppard Lane to the West onto the Limestone Valley Farm and shifting the traffic signal to the west as well. The new Sheppard will traverse very hill terrain as it bends first to the west and then back towards the east. They are turning the last several hundred feet of Sheppard as it approaches MD108 into a ROLLER COASTER. The new Sheppard DOES NOT MEET County Road Design Guidelines because it has a high curvature, both horizontally and vertically. However, the County granted a waiver for the sub-standard road because the RHGC developer said that it was the only way to realign Sheppard lane to for an improvement in Sheppard and MD108. **This is FALSE!**

Besides the dangerously curved Sheppard Lane (which is more severe than depicted above) there are other problems with the westward realignment of Sheppard lane to provide a signalized entrance for the RHGC.
- This configuration precludes the possible to actually improve the throughput of MD108 by adding a second eastbound MD108 lane through the MD108/Sheppard intersection. There will only be the one through lane choke point that we have now, which is shared with the entrance to River Hill High School past the intersection. This single through lane causes backups to MD32 during the morning and evening rush hours.
- Due to vehicles entering and exiting the shopping center at this signal there will be at least two extra phases on the traffic signal causing further delays for traffic on MD108 and Sheppard Lane. This will be a disaster for the school traffic in the morning.
- The proposed left turn from MD108 eastbound lane onto Sheppard Lane North would be 1200 ft long and would extend to Linden Linthicum Lane. MD108 eastbound vehicles will treat this left lane as a through lane and only merge to the single though lane near Sheppard. This will cause the left turn lane to be blocked at rush hour when vehicles are trying to force their way to the right and funnel into the single through lane.
- Finally, the realigned Sheppard lane will only improve from a 55 deg angle of intersection with MD108 to a 60 degree angle. This is because the purpose of the Sheppard configuration is to align with the RHS entrance which runs along the east side of the RHGC triangular property which is aligned with the current Sheppard lane. For safety and sight lines a standard 90 degree/perpendicular intersection is preferred.

A far superior realignment of Sheppard Lane is to bend Sheppard gently to the east as it approaches MD108. The curved yellow line to the east of Sheppard shown in both figures, which is bending to the east away from Sheppard, reserves a right-of-way between the road and the residential properties of Clearview Estates. On the plat the purpose of this right-of-way is identified as "for the purpose of a road". Therefore, county planners had previously established that the best way to realign Sheppard Lane would be to gently bend it to the east as it approaches MD108, easily bringing it into a standard and safer 90 degree/perpendicular intersection. In addition, the terrain on the east side of Sheppard is far less steep compared with the west side (Limestone Valley Farm). Therefore, the gentle (single direction) bending and the smaller elevation rise will make the east realignment far safer and better for vehicles on Sheppard Lane.

It is important to remember that the Sheppard Lane/MD108 intersection is in the school zone and many new and inexperienced high school drivers will be traveling through this

intersection and onto and off of Sheppard Lane. Therefore, the county should put extra effort in providing both a safe realignment of Sheppard and a safe Sheppard/MD108 intersection.

The movement of Sheppard to the east allows an extra through lane to the east on MD108. This will greatly alleviate traffic congestion on MD108 eastbound. This 5 lane section of road would be consistent with the 5-lane section of MD108 which already exists from Ten Oaks to Linden Linthicum Lane. The Highway Needs Inventory regional transportation plan calls for MD108 to be a 5 lane road between MD32 and MD29 and the east realignment complies with that plan. This 5 lane section road also allows for better movement of emergency vehicles, including fire engines, even during rush hour, to the east past the Sheppard intersection to the schools and to the residential communities east of Sheppard.

Sayers, Margery

From: Arnheim <arnheim@comcast.net>
Sent: Sunday, January 20, 2019 12:03 PM
To: CouncilMail; Ball, Calvin
Cc: Kristina and David Elsaesser
Subject: County Council meeting/Sheppard Lane

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I am opposed to the plan to realign Sheppard Lane to the west and believe the county and its Planning and Zoning Department (DPZ) should be acting in the best interest of the local community, Howard County taxpayers, and commuters and NOT in the best interests of a single developer. Please use our tax dollars for a road changes that actually improve the roads for benefit and safety of the community, for example a light at 108 and Linden Linthicum Lane.

Thank you,

Marjorie Arnheim